## CORRESPONDENCE IN LIEU OF DIRECTORS' MEETING MONDAY, JUNE 28, 2004

## I. MAYOR

- \*1. Washington Report June 18, 2004.
- \*2. NEWS RELEASE RE: Mayor Names City Council Compensation Committee -
- \*3. NEWS RELEASE Mayor Kicks Off Effort to Prevent Cigarette Litter (Also See #1 Under III CORRESPONDENCE B: DIRECTORS/DEPARTMENT HEADS Health Department)
- \*4. NEWS ADVISORY Mayor's Public Meeting Schedule for June 24th June 28th
- \*5. NEWS RELEASE RE: Mayor Accepts Report Of Streets, Roads and Trails Committee (See Release)
- \*6. NEWS RELEASE RE: Mayor Invites Area Residents To City's Fourth Of July Celebration Annual event returns to Oak Lake Park for second year (See Release)

## II. CITY CLERK

## III. CORRESPONDENCE

## A. COUNCIL REQUESTS/CORRESPONDENCE

## PATTE NEWMAN

- 1. OUTSTANDING Request to Ernie Castillo, Wynn Hjermstad, Marc Wullschleger, Urban Development Department/ Terry Bundy, LES/ Allan Abbott, Public Works & Utilities Director/Mike DeKalb, Marvin Krout, Planning Department/Lynn Johnson, Parks & Recreation Director RE: Signs or banners identifying individual neighborhoods (For Witherbee and Eastridge area) (RFI#20 3/24/04). 1.) SEE RESPONSE FROM TERRY BUNDY, LES RECEIVED ON RFI#20 4/12/04.
- OUTSTANDING Request to Nicole Fleck-Tooze, Dennis Bartels, Allan Abbott, Public Works/ Tonya Skinner, Dana Roper, City Law Dept./Marvin Krout, Planning RE: A resident of the Easthart Neighborhood a problem they had in their development the commons area between 78th St. & Maxey School (RFI#21- 4/29/04). 1.) SEE RESPONSE FROM DENNIS BARTELS,

PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#21 - 5/24/04.-2.) Response from Dennis Bartels, PW received on RFI#21 - 06/04/04 (Same response as 1.) –

- 3. OUTSTANDING Request to Allan Abbott, Public Works & Utilities

  Director/Dana Roper, City Law Department RE: The Infrastructure Financing

  Meeting on 5/18/04 subject of wheel tax was raised (RFI#24 5/19/04)
- 4. Request to Marc Wullschleger (UD)//Kit Boesch (Human Services)//Dana Roper (Law) RE: A concern that College Students may be usurping Low-Income Public Housing from the Poor. (RFI #25 06-23-04)

#### TERRY WERNER

- 1. Request to PW/Planning RE: Inquiry from Jay Petersen on Kajan Drive Public or Private Roadway, plus Surface Rehabilitation Process (RFI #130 6-15-04).
- 2. Request to Dana Roper, City Law Department/Larry Worth, StarTran RE: HandiVan Users Transporting Alcohol (RFI#131 6/16/04) SEE RESPONSE FROM LARRY WORTH/DANA ROPER ON RFI #131 Received 06-23-04)
- 3. Request to Vince Mejer, Purchasing Agent RE: Notice to Bidders #04-110 Television Equipment (RFI#132 6/16/04)
- 4. Request to Marvin Krout, Planning Director RE: Opening Fletcher Avenue to 14<sup>th</sup> Street (RFI#133 6/16/04)
- 5. Request to Allan Abbott, Public Works & Utilities Director/Larry Worth,
  StarTran RE: HandiVan Service to Coaches, 640 W. Prospector Ct. (RFI#134 6/21/04). 1.) SEE RESPONSE FROM LARRY WORTH, STARTRAN
  RECEIVED ON RFI#134 -6/24/04

### **GLENN FRIENDT**

1. Request to Lynn Johnson, Parks & Rec. Director - RE: South Salt Creek Community Organization concerns (RFI#33-5/25/04)

#### JONATHAN COOK

1. Request to Weed Control/Public Works & Utilities Department/Parks & Recreation Department - RE: Maintaining of ROW along W Van Dorn - (RFI#114 - 6/14/04)

### JON CAMP

\*1. E-Mail to Jon Camp - RE: Cats - (See E-Mail)

- \*2. E-Mail from Bill English to Jon Camp RE: Cats on a leash (See E-Mail)
- \*3. E-mail to Jon Camp from Ed Caudill President of the North Bottoms Neighborhood Association RE: Enforcement of current codes relating to Overgrown Lawns (See E-mail)
- \*4. E-mail and letter to Jon Camp from Lori Yaeger RE: In Support of Cat Leash Law (See E-mail)

#### ANNETTE McROY

1. Request to Polly McMullen, Downtown Lincoln Association - RE: An area that is being utilized as a garbage and brush storage collection point for the DLA - area directly East of 610 "G" Street - (RFI#151-6/24/04)

## B. DIRECTORS AND DEPARTMENT HEADS

### **BUILDING & SAFETY DEPARTMENT**

\*1. Letter from Mike Merwick to Mayor Seng, City Council, County Board - RE: Hallam - (See Letter)

### FINANCE DEPARTMENT/CITY TREASURER

- \*1. Material RE: Monthly City Cash Report & City of Lincoln-Pledged Collateral Statement May 31, 2004.
- \*2. Material from Don Herz, Finance Director & Joel L. Wittrock, Asst. City Treasurer - RE: Resolution & Finance Department Treasurer of Lincoln, Nebraska - Investments Purchased June 14, 2004 thru June 18, 2004.

#### LINCOLN-LANCASTER COUNTY: EMERGENCY MANAGEMENT

- \*1. NEWS RELEASE RE: County Revises Time Frames For Debris Removal (See Release)
- \*2. NEWS RELEASE RE: Lancaster County Emergency Management No Longer Recruiting Volunteers to Help with Clean-Up Efforts.

### LINCOLN-LANCASTER COUNTY: HEALTH DEPARTMENT

\*1. NEWS RELEASE RE: CIGARETTE LITTER PREVENTION RESEARCH PROJECT ANNOUNCED w/Invitation to Council Members for Kick-Off Celebration (Council Members Received this Release on June 21, 2004)

### PLANNING DEPARTMENT

\*1. Letter to Jason Theillen RE: Prairie Village 1st Addition Final Plat #04036 (See Letter)

## PLANNING COMMISSION FINAL ACTION . . . .

- \*1. Special Permit No. 04031 (Dwelling units above the first floor in B-4 Lincoln Business District) Resolution No. PC-00879.
- \*2. Preliminary Plat No. 04002 Stone Bridge Creek 1<sup>st</sup> Addition (South of Humphrey Avenue and east of N. 14<sup>th</sup> Street) Resolution No. PC-00881.
- \*3. Special Permit No. 04030 (Expand nonstandard single-family dwelling at 2653 S. 11<sup>th</sup> Street) Resolution No. PC-00878.
- \*4. Preliminary Plat No. 04007 Anderson's Place (South of Leighton Avenue and east of N. 84<sup>th</sup> Street) Resolution No. PC-00880.

#### PERSONNEL DEPARTMENT

\*1. Letter from Don W. Taute to John O'Brien - RE: Your Letter dated June 9<sup>th</sup>, 2004 - (See Letter)

### PUBLIC WORKS & UTILITIES DEPARTMENT

- \*1. NEWS RELEASE RE: Lane Closures On Vine Street Extended (See Release)
- \*2. NEWS RELEASE RE: Intersection of 8<sup>th</sup> and "O" To Become Four-Way Stop (See Release)

### **URBAN DEVELOPMENT - Real Estate Division**

\*1. MEMO from Clinton W. Thomas RE: Vacation of South 489<sup>th</sup> Street; Prescott to Lowell - Followup to June 4<sup>th</sup> Letter - Revised sale price. for the vacated property. (See Memo)

#### C. MISCELLANEOUS

- \*1. Letter from C.W. Swingle RE: The objective of this letter is to notify all of the Lincoln Council Members that action on all of the following items must be put in place: (See Letter)
- \*2. E-Mail from Dave Shoemaker RE: Smoking (Council & City Clerk received copies of this E-Mail on 6/21/04)(See E-Mail)

- \*3. E-Mail from Mark Welsch, GASP President RE: Letter for Public Hearing on Non-Smoking Ordinance (Council & City Clerk received copies of this E-Mail on 6/21/04)(See E-Mail)
- \*4. Letter From Thomas A. Green of the Democratic Party RE: Formation of a Non-Partisan Committee to establish a Code of Ethics for City Government.
- \*5. E-Mail from Peggy Sturwe RE: Mayor's State of the City Address Notification.
- \*6. E-Mail from Bob Valentine RE: Charges for Vice-President Cheney's Lincoln visit.(Against)
- \*7. Letter from Dr. Robert W. Beck RE: Charges for Vice-President Cheney's Lincoln visit.(Against)
- \*8. E-Mail from Jan Karst RE: Smoking Ban Ordinance (See E-mail)
- \*9. Letter from Bruce J. Bohrer, Senior Vice-President/Governmental Affairs Counsel, Lincoln Chamber of Commerce RE: State Fair (See Letter)
- \*10. Material from Lincoln Chamber of Commerce RE: Resolution on State Fair Constitutional Amendment (See Material)
- \*11. Material from Richard Meyer RE: Get Fluoride Out Of Our Drinking Water! (See Material)
- \*12. Letter from Simera Reynolds, M. E.d., State Executive Director, MADD to Bob Logsdon, Chairman, Liquor Control Commission RE: MADD has not received any information about the commission's future actions with regard to the loophole in the liquor control statute (See Letter)
- \*13. E-Mail from A.C. Thayn RE: Public smoking ban proposal (See E-Mail)

### IV. DIRECTORS

### V. CITY COUNCIL MEMBERS

#### VI. ADJOURNMENT

\*HELD OVER UNTIL JULY 12, 2004.

CITY OF

# Washington Report

City of Lincoln - Washington Office

JUN 2 1 2004

## House Making Progress On FY05 Spending

## **INSIDE**

Vol. 10 No. 17

June 18, 2004

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## **Finance**

House passes corporate tax bill. After a monthslong roller coaster ride that featured acrimonious partisan debate and a public falling out between Ways and Means Committee Chairman Bill Thomas (R-CA) and several Republican members of his Committee, the House passed legislation (HR 4520) to eliminate an export tax incentive that violates World Trade Organization (WTO) rules. The European Union (EU) is levying punitive tariffs on a wide array of American goods, most produced in politically competitive states, until the provision is repealed.

Though the ostensible purpose of the bill is to repeal the offending provision and replace it with other tax breaks for exporters and manufacturers, the bill has ballooned to encompass hundreds of pages of provisions addressing everything from targeted tax breaks for the manufacturers of fishing tackle boxes to the renewal of expiring tax credits and a \$10 billion buy out plan for tobacco farmers. The latter provision, coupled with a provision that will allow residents of states with no income tax to deduct state and local sales taxes when calculating their federal tax burden, proved instrumental, garnering the votes of 48 Democrats, more than enough to offset the defection of 23 Republicans.

As passed by the House, the bill includes several provisions of interest to local governments, many of which are also included in the Senate-passed version of the bill (S 1637). In a blow to a coalition of the leasing industry, transit agencies and local governments, hr 4520 would end transaction whereby public agencies sell assets and infrastructure to private entities and then lease them back. Known as sale-leasebacks, the arrangements bring private capital to public agencies and allow the private entities to depreciate the property and use the related tax credits. The arrangements are particularly popular with transit agencies and

have played an important role in financing transit projects throughout the country. Indeed, until recently, the federal government actively encouraged sale-leaseback arrangements in order to finance transit projects. In a minor victory for the coalition, the provision in the House bill would take effect beginning March 2004. The Senate bill would take effect retroactively to November 2003, threatening several sale-leaseback transactions that are in process.

On a brighter note, HR 4520 would also renew the tax credit for electricity produced using renewable resources through 2006 and would apply it retroactively to those projects started after the credit expired at the end of last year. The Senate bill would extend the credit through 2005.

The House bill would also renew the Work Opportunity Tax Credit and the Welfare-to-Work Tax Credit through 2005; the provision would also apply retroactively to cover the expiration of both credits at the end of 2003. S 1637 includes an identical provision.

The House also voted to renew the Qualified Zone Academy Bond Program, which allows for the issuance of \$400 million a year in tax-favored bonds to finance school construction and renovation, through 2005. The Senate bill includes a similar provision and also includes language allowing the bonds to be used to acquire land for school construction.

The bill now heads to a House-Senate Conference Committee. Conference Committee negotiations over how much of the bill's cost should be offset, with Senators pushing for higher offsets than the House, could prove difficult. Some Senators may also object to the buy out of tobacco farmers and the deduction of state and local sales taxes, though those provisions will likely be instrumental in House approval of a Conference Report.

## **Homeland Security**

Senate Subcommittee approves FY 2005 Homeland Security appropriations bill. On Wednesday, the Senate Homeland Security Appropriations Subcommittee passed a \$33.1 billion bill for the Department in FY 2005, increasing funding levels 9 percent, or \$2.7 billion over FY 2004 levels. The Senate bill is very similar to the version currently pending in the House.

Despite the increase in the overall funding levels, the Senate bill would also significantly reduce spending for first responder grants. However, spending for high threat urban area security grants would increase by \$475 million from its FY 2004 levels to \$1.2 billion in FY 2005. Funding for other first responder programs includes the following (with changes form FY 2004 in parentheses):

- \$940 million for state homeland security grants (-\$760 million from FY 2004)
- ► \$700 million for firefighter assistance grants (-\$50 million)
- \$400 million for local law enforcement terrorism prevention grants (-\$100 million)
- ► \$180 million for emergency management performance grants (no change)
- ► \$150 million in rail and transit security grants (+\$100 million)

The bill also recommends \$5.2 billion for the Transportation Security Administration, an increase of \$600 million over FY 2004. The funding includes \$2.6 billion for passenger and baggage screening, \$210 million for the procurement of explosive devises, \$43 million for air cargo security enforcement, \$15 million for rail security, \$75 million for cargo security screening, research and development.

President Bush's Project Bioshield, a biodefense countermeasure program,

would receive \$2.5 billion, most of the new money in the bill.

In related news, the House approved their version of the bill today with no major changes to the measure approved in committee last week. An amendment offered by Rep. John Sweeney (R-NY), which would change the grant formula and take money from the basic state homeland security grants for high threat urban area security grants, failed yesterday by a vote of 171-237 after much debate over whether homeland security funds should be targeted more to areas with a greater threat level, rather than ensuring that every jurisdiction receives funding.

## **Public Safety**

House Appropriations Subcommittee votes for second consecutive year of local public safety cuts. On Tuesday the House Commerce, Justice, State Appropriations Subcommittee adopted by voice vote its \$39.8 billion FY 2005 CJS funding bill. The total of the subcommittee bill is \$2.2 billion more than was appropriated for the Departments in FY 2004, and about \$200 million more than the President's budget request. However, despite the overall funding increase, the bill includes a series of proposed reductions to popular state and local justice assistance programs for FY 2005, many of which saw substantial funding cuts last year.

Included in the funding for the Department of Justice is \$3 billion for assistance to state and local law enforcement for crime fighting initiatives. Although this amount would be \$886 million above the President's FY 2005 budget request, it would put funding for state and local government assistance programs \$103 million below their FY 2004 levels. The bill would slash funding for the Local Law Enforcement Block Grant (LLEBG) by 42% to \$130 million just one year after funding for the program was reduced by 44 percent. Funding for the Edward Byrne Justice Assistance Grants program would also drop from its FY 2004 funding level of \$655 million to \$634 million in FY 2005. In a final blow to local governments, the bill would slash the funding for COPS grants from \$497 million in FY 2004 to just \$113 million in FY 2005 funding to be used for a single COPS grant program that covers police technology enhancements and hiring programs.

The bill also includes \$384 million for violence against women prevention and prosecution programs (\$386 million in FY 2004); \$176 million to eliminate DNA analysis backlogs; and \$325 million for the state criminal alien assistance program (\$300 million in FY 2004). One bright spot in the bill for state and local programs is the \$349 million proposed for the juvenile delinquency prevention and accountability programs. This program received no funding at all in FY 2004.

The full House Appropriations is scheduled to markup the draft bill next Wednesday and it is unlikely that funding for local programs will be restored.

## **Arts and Recreation**

House approves Interior Department spending bill. The House approved its first of 13 FY 2005 appropriations bills this week, comfortably passing the Department of Interior measure 334-86. No significant changes to the bill were made from the version approved last week by the House Appropriations Committee.

Highlights of the bill include a significant reduction in federal land acquisition funds through the Land and Water Conservation Fund (LWCF). Authorized at \$900 million annually, the Bush Administration had recommended \$314 million for LWCF activities, but the House chose to provide \$140 million. Among the recommended funding levels were (comparison to FY 2004 levels in parentheses):

- \$91 million for LWCF stateside grant program (-\$3 million)
- ► \$50 million for LWCF land acquisition (-\$174 million)

### ■ 3 June 18, 2004

- ► \$120 National Endowment for the Arts (no change)
- ► \$138 National Endowment for the Humanities (+\$3 million)
- ► \$71.5 million for the Historic Preservation Fund (-\$2 million)
- \$32 million for Urban and Community Forestry (-\$2.8 million)

The Bush Administration supported House passage of the bill in its Statement of Administration Policy issued yesterday but noted concerns with low funding levels for land acquisition and grant programs under the Land and Water Conservation Fund. The Senate has not considered its version of the Interior spending bill.

## **Energy & Water**

House panel clears Energy and Water bill for floor consideration. The House Appropriations Committee approved the FY 2005 Energy and Water Development appropriations bills this week, and in the process added approximately \$100 million for 41 flood control projects for which the Bush Administration did not request funds. In addition to funding operations at the U.S. Army Corps of Engineers, the measure also includes recommendations for the Energy Department and water-related projects at the Bureau of Reclamation.

Corps funding in the bill would be \$252 million more than FY 2004 and \$712 million above the President's request, but no funding for new flood control or water reclamation projects was included.

The most controversial item in the bill looks to be funding for Yucca Mountain, the proposed nuclear waste repository in Nevada. The funding level for Yucca Mountain is caught up in a legislative battle between Congress and the White House Office of Management and Budget (OMB) over OMB's FY 2005 budget

proposal that sought a total of \$880 million for the project -- \$131 million from Congress and \$749 million from a reclassification of the nuclear industry's annual contributions to the Nuclear Waste Trust Fund. The House bill only contains the \$131 million because the reclassification has not yet been authorized.

However, even if the additional funds are authorized and approved by the House, funding for the project is certain to run into trouble in the Senate, where Minority Whip Harry Reid (D-NV) is a senior member of the Appropriations Committee and is a staunch opponent of the proposed site.

House sponsors hope to bring the FY 2005 Energy and Water Development spending bill to the House floor next week.

## **Economic Development**

Appropriations Subcommittee approves increased funding for EDA. The Commerce/Justice/State House Appropriations Subcommittee approved an FY 2005 spending bill that would increase funding for the Economic Development Administration to \$320 million, a 19 percent increase from FY 2004. As this report was being prepared, details of how that funding would be divided between Public Works Grants, Planning Assistance and Defense Conversion was not available. Additional details will be provided after the full House Appropriations committee considers the bill next week.

## **Homeland Security**

Battle continues over first responder bill. On Wednesday, by a voice vote, the House Judiciary Committee became the fourth committee to approve legislation that would authorize \$3.4 billion for homeland security grants.

The original version of HR 3266 calls for allocating first responder grant funds based on an evaluation of a potential threat from terrorist attack to a region's infrastructure and population. First

responder grants are currently allocated by a formula that is based largely on population and guarantees each state a minimum percentage of the overall funding. There has been some criticism that the current formula does not direct enough funds to major metropolitan areas. However, the bill has come under fire by lawmakers from rural states that would face a decrease in funding if the original version of the bill were approved.

This bill has been the center of jurisdictional battles between four separate House Committees. During a June 3 markup in the Transportation and Infrastructure Committee adopted an amendment to the bill that would severely alter the legislation by retaining the current grant funding formula and guaranteeing all states at least .6 percent of each year's funding. A different scenario played out the same week in an Energy and Commerce Committee markup where only two minor changes were made to language in the original bill relating to the creation of a first responder task force and cooperation between the Departments of Homeland Security and Health and Human Services.

During Wednesday's markup the Judiciary Committee lawmakers endorsed the approach of the Transportation committee by adopting an amendment offered by Rep. Jerrold Nadler (D-NY) that would allocate at least .25 percent of each year's grant funding to all states. Similar to the other versions of HR 3266, the version of the bill passed by the Judiciary Committee would consolidate state and local first responder grants (funded at more than \$2 billion in 2004) with urban area grants (funded at \$725 million in 2004), and it would distribute all funds according to need taking into consideration threat level, population density, and infrastructure assets. The committee also approved another amendment offered by Nadler that would authorize the Department of Homeland Security to provide FY 2005 funding to non-profit organizations that are able to demonstrate their own vulnerability to terrorist attacks.

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Before the bill reaches the House floor, differences in the competing versions will have to be ironed out by the Rules Committee.

## **Federal Register**

Department of Health and Human Services, June 15: The Administration for Children and Families announces the availability of funding for the Early Learning Opportunities Act (ELOA) Discretionary Grant program. The purpose of the program is to provide funds to develop, operate or enhance voluntary early learning programs that are likely to produce continuous gains in early learning through promoting effective parenting, helping parents, educators and child care providers to increase child development and promote learning readiness, linking early learning programs with health care services and other activities. The estimated total program funding is \$33,579,313 with an award ceiling of \$1,000,000 and an award floor of \$250,000. Eligible applicants are limited to Local Councils who have been officially designated through a letter by an entity of local government, an Indian Tribe, or Regional Corporation as the Local Council for the purposes of applying for an ELOA grant. Applications must be mailed by July 27, 2004. For more information, www.acf.hhs.gov. please access (Grants.gov)

Department of Health and Human Services, June 18: The Administration for Children and Families announces the availability of funding for the FY 2004 Family Violence Prevention and Services discretionary grant program. program's priority area this year includes women and men with disabilities. The purpose of the program is to address the needs of such persons in the priority area in order to remove the barriers they face in accessing safety justice. Approximately \$150,000 is available to fund 3 grants of \$50,000. Eligible applicants include state and local agencies that services to persons with provide disabilities. There is a 25 percent match requirement. Applications are due July 19, 2004. Please access <u>www.acf.hhs.gov</u> for more information on the program. (Grants.gov)



# NEWS RELEASE

MAYOR COLEEN J. SENG

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## OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: June 21, 2004

FOR MORE INFORMATION: Mark Bowen, Mayor's Office, 441-7511

Don Taute, Personnel Director, 441-7888



## MAYOR NAMES CITY COUNCIL COMPENSATION COMMITTEE

As directed by the voters, Mayor Coleen J. Seng today announced formation of the City Council Compensation Committee to review salary levels of the Lincoln City Council.

On May 11, 2004, the voters of Lincoln approved by a 62 percent margin a City Charter amendment directing that a Mayoral committee be established to review and make a recommendation on the compensation for the Lincoln City Council.

The ballot provision stated that:

"An independent committee of citizens with expertise in business, legal, government, and personnel matters, appointed by the mayor shall make a recommendation as to the appropriate salary of the city council members, including benefits, and to further provide that such recommendation may be approved as part of the annual budget resolution, provided that no change in salary shall take effect until after the succeeding city general election."

Mayor Seng appointed the following individuals:

- Bill Austin, local attorney and a former Lincoln City Attorney
- Bruce Currin, Assistant Vice Chancellor for Human Resources, University of Nebraska-Lincoln
- Georgia Glass, private personnel professional and former Director of the City-County
  Personnel Department
- Jim Hewitt, local attorney and businessperson
- Roger Larson, local businessperson and current member of the City-County Planning Commission
- Gates Minnick, local businessperson and former member of the City Council
- Linda Wilson, Lincoln resident, current member of the Public Building Commission and former member of the City Council

The committee is asked to complete its review and make a recommendation by July 30th. Any change recommended by the committee would not take effect until after May 2005. The City Council members are currently paid \$12,000 annually.



# NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

### OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: June 22, 2004

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Harry Heafer, Keep Lincoln/Lanc.County Beautiful, 441-8035

## MAYOR KICKS OFF EFFORT TO PREVENT CIGARETTE LITTER

Lincoln one of nine U.S. cities conducting research project

Mayor Coleen J. Seng will kick off an effort to prevent cigarette litter at a news conference at 2 p.m. TODAY, Tuesday, June 22 at 120 North 14th Street. Lincoln is one of nine communities in the nation selected to participate in the Cigarette Litter Prevention Research Program. It is a project of Keep America Beautiful (KAB), a national, nonprofit public education and community improvement organization. About 20 specially designed cigarette butt receptacles have been installed in a two-block area of downtown, and public service messages are being displayed and aired in local media. About 3,000 pocket ashtrays will also be distributed in the area.

"Cigarette litter is a problem in many communities, including Lincoln," said Mayor Seng. "This project targets cigarette butts, packaging and lighting material, which are some of the most commonly littered items in our City. I am proud that Lincoln was chosen to participate in this research project and I am very encouraged that the businesses and property owners in downtown Lincoln are taking part. We all want downtown Lincoln to be attractive and clean."

Those involved in planning the project are Keep Lincoln & Lancaster County Beautiful, a program of the Lincoln-Lancaster County Health Department and a local KAB affiliate; the Downtown Lincoln Association; the Downtown Neighborhood Association; the City Urban Development Department; the Lincoln-Lancaster County Planning Department; the Lincoln City Council; Keep Nebraska Beautiful; and the Citizen Information Center.

The test campaign will be conducted through August 31 in downtown. A cigarette litter count was conducted prior to starting the study, and another count will be taken at the end of August to determine the project's effectiveness. The results of the research program will be released at KAB's national conference in December in Washington D.C.

The mission of Keep Lincoln & Lancaster County Beautiful is to improve waste handling practices and increase environmental awareness through education and participation, and to keep the community litter-free. It is partially funded by a grant from the Litter Reduction and Recycling Fund administered by the Nebraska Department of Environmental Quality. KAB, which has a network of more than 540 programs around the world, is in its 51st year. More information is available at www.kab.org.



# NEWS ADVISORY

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### OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

RECEIVEL

**DATE:** June 23, 2004

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

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CITY COUNCIL OFFICE

Mayor Coleen J. Seng's schedule includes the following events:

## **THURSDAY, JUNE 24**

- 9:30 a.m. News conference in the City Council Chambers, first floor of the County-City Building, 555 South 10th. Topics will include the recommendations of the Mayor's Streets, Roads and Trails Committee and plans for the City's annual 4th of July Celebration at Oak Lake Park.
- 4 p.m. Dedication of the Fleming Fields Recreational Sports Park, 32nd Street and Leighton Avenue. Parking is available at 33rd Street and Huntington Avenue. The park was the first of the Antelope Valley Phase One Priority Projects. Representatives of UNL and the Lower Platte South Natural Resources District will also participate in the dedication, and the public is invited.

## FRIDAY, JUNE 25

9:30 a.m. - Media briefing on the Mayor's recommended City budget for 2004-2005 in the Mayor's Conference Room, second floor of the County-City Building. Those attending must agree to delay reporting on the information until Sunday, June 27.

## **MONDAY, JUNE 28**

• 3 p.m. - State of the City address by Mayor Seng in the City Council Chambers. The Mayor's budget presentation to the City Council will begin at 3:30 p.m. in the same location. A public reception is planned for 4:30 p.m. just outside the Mayor's Office. The City Council will begin its regular meeting at 5:30 p.m.



## NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

## OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: June 24, 2004

FOR MORE INFORMATION: Mark Bowen, Mayor's Office, 441-7511

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OFFICE

## MAYOR ACCEPTS REPORT OF STREETS, ROADS AND TRAILS COMMITTEE

Mayor Coleen J. Seng today accepted the report of the Advisory Committee for Streets Roads and Trails (SRT) on funding future street improvements and construction. The Committee recently held five forums throughout the City where citizens learned about funding options and expressed their preferences.

Mayor Seng thanked the chairpersons of the Committee – Russ Bayer, Jan Gauger, Brad Korell and Dan Marvin – and the other Committee members for their hard work on behalf of the citizens of Lincoln.

"I hope people realize the long hours they have volunteered over the past seven months and tremendous amount of personal time they committed to this effort," Mayor Seng said. "We are very fortunate to have very community-minded and public-spirited people who are willing to step forward and do their part to make Lincoln such a wonderful place to live.

"I also need to thank the hundreds of Lincoln residents who participated in the Community Solutions forums or visited the Web site. The public involvement on this issue was most unique in comparison to many other communities. This wasn't a conversation of elected officials in closed door meetings. This wasn't a decision made by power brokers and people with money. This was a decision made by the community for the benefit of all who want a future Lincoln that is as prosperous as our current one.

"Compromise and consensus are not easy when you involve as many people as participated in the Build Lincoln's Future campaign. I honestly believe that years from now, after the streets are built, we will share a great sense of pride in having found the consensus that has allowed our children and their children to enjoy an even better Lincoln, Nebraska than the one we inherited. I thank you and congratulate you all.

"We still have a journey ahead. This document identifies the options for our community to deal with the challenges of building streets. We still have to show the resolve and commitment to actually select from the options and proceed to build the streets.

Streets, Roads and Trails June 24, 2004 Page Two

"The first step is mine. As I am putting the final touches on next year's City budget, I will review the work of the SRT Committee. On Monday, I deliver the State of the City message. As part of that, I will announce how we will present the options to the Council for their consideration. The Council has followed closely this community solution process, and I am confident we can achieve consensus and move forward in a timely manner. I look forward to leading the charge to Build Lincoln's Future."

The report of the Streets, Roads and Trails Committee will be available on the City Web site at lincoln.ne.gov.

- 30 **-**





## NEWS RELEASE

MAYOR COLFEN J. SENG

lincoln.ne.gov

## OFFICE OF THE MAYOR

555 S. 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: June 24, 2004

FOR MORE INFORMATION: Dave Norris, Citizen Information Center, 441-7547

Jerry Shorney, Parks and Recreation, 441-8259 Kirsten Cords, Lincoln Jaycees, 730-8052



## MAYOR INVITES AREA RESIDENTS TO CITY'S FOURTH OF JULY CELEBRATION

Annual event returns to Oak Lake Park for second year

Mayor Coleen J. Seng invites Lincoln area residents to the City's annual Fourth of July celebration at Oak Lake Park. A full day of events is planned, including a Saltdogs baseball game at 6:05 p.m. at Haymarket Park and the spectacular fireworks show at 10 p.m. For the first time last year, the celebration was moved from Holmes Lake Park to Oak Lake Park due to the ongoing restoration project at Holmes.

"With the events going on around the world, Americans are reminded of the high price of our freedom," said Mayor Seng. "I want to thank the Jaycees, who have partnered with the City for many years on this event, as well as the other sponsors for making this family-oriented celebration possible. Last year, we discovered that Oak Lake Park was a terrific location to celebrate our nation's independence. We hope to again see big crowds and lots of patriotism!"

Pepsi-Cola is the major sponsor for this year's celebration. Zambelli Internationale will again present the fireworks display, with the accompanying musical soundtrack to be broadcast on KTGL-FM, 92.9 the Eagle. The Eagle is the official radio station for the Fourth of July celebration, and the station will broadcast live during the celebration at Oak Lake Park.

StarTran will provide free public shuttle bus service from 3 to 11 p.m. The shuttles will run between the main entrance of Oak Lake Park and two downtown locations: the INS lot on North 8th Street near the pedestrian overpass and the Gold's bus stop at 11th and "O." Handi-Van service is also available for eligible individuals, and reservations should be made through StarTran at 441-7109.

A variety of food and concessions will be available from 11 a.m. to 11 p.m. The Lincoln Jaycees will operate an information booth, and the Red Cross will have first aid available.

## Fourth of July June 24, 2004 Page Two



Other events include:

- a 5K fun run/walk at 7:30 a.m. at Haymarket Park. Participants may register on site at 7
- A pancake feed from 8 a.m. to noon.

Bingo from noon to 8 p.m.

- The Hobby Town 4th of July Trophy Race with remote control cars from 10 a.m. to 4
- A classic car and motorcycle show from noon to 4 p.m.

A dunking booth from 2 to 6 p.m.

A free concert from 8 to 10 p.m. with local band "Groove Puppet"

In conjunction with the celebration, Star City BMX races are scheduled from 8 a.m. to 8 p.m. from Thursday, July 1 through Sunday, July 4 at Oak Lake Park. Holmes Lake Park will host sand volleyball and softball tournaments from 9 a.m. to 8 p.m. Saturday, July 3.

A kids carnival was booked for the event, but is unable to attend. The Jaycees are instead planning free activities for children 12 and under from 2 to 6 p.m. Those wishing to help can contact Kirsten Cords of the Jaycees at 730-8052.

Fireworks other than those used in the Zambelli show are prohibited in the park. Alcohol is also prohibited. All pets are required to wear a leash while in the park. Citizens are discouraged from bringing pets to the park during the fireworks display.

In case of bad weather, the fireworks display will occur at 10 p.m. Monday, July 5 at Oak Lake Park. No other events would be rescheduled to the 5th.

Those wanting to see more information on the day's events can visit the city website at lincoln.ne.gov. For event registration information, contact the Lincoln Jaycees at 434-8900 or through e-mail at july4@lincolnjaycees.org.

RECEIVED

JUN 2 3 2004

Referred to:

Dana Roper, Law Dept./Lany

Worth, Star Fran

GITY COUNCIL OFFICE

REQUEST FOR INFORMATION

4060/60

y:	Terry Werner - #131	June	16, 2004
y( EQUE	Council Member) RE: HandiVan Use EST:	ers Transporting Alcohol	te
	Would you please respond to the	attached E-Mail and send me a co	ppy of the response. Please
spon	d to Bill Crawford with copy to m	ne. Thanks.	
		-Ter	ry Werner
	Bill Crawford 105 N. 8 <sup>th</sup> Street, Apt. 206 (08) - FC BY COUNCIL MEMBER, NO RI		
	Mayor's Office		
ESPC	NSE (Indicate action taken):  All Att	By: KW	<u>(0/34/04</u> Date
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## CITY OF LINCOLN N E B R A S K A

MAYOR COLEEN J. SENG www.ci.lincoln.ne.us

StarTran
Public Works and Utilities Department
Allan Abbott, Director
710"3" Street
Lincoln, Nebraska 68508
402-441-7185
fax: 402-441-7055



June 21, 2004

Mr. Bill Crawford 105 N. 8th Street, Apt. #206 Lincoln, NE 68508

RE: Handi-Van User Transporting Alcohol

Dear Mr. Crawford:

This letter is in response to your recent request for information as to the StarTran policy regarding Handi-Van vehicles. As I indicated during our June 18th phone conversation, we acknowledge that many individuals utilize the StarTran Handi-Van service as their only means of transportation. Therefore, efforts are made to reasonably accommodate Handi-Van patrons' needs.

Specifically with regard to your question, Handi-Van patrons may carry/transport alcohol on the Handi-Van, with the following conditions:

- \* The Handi-Van patron must maintain possession of the alcohol at all times. No StarTran employee may purchase or otherwise be in possession of the patron's alcohol.
- \* The alcohol must be in closed container(s).
- \* The alcohol may not be opened, or consumed, by the patron while on the Handi-Van.

Please advise if you have any questions in this regard.

Sincerely,

Larry D. Worth

Transit Manager

Agreed Dana Roper

City Attorney

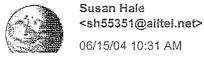
cc:

Allan Abbott, PWU

Terry Werner - City Council

rti131tw/bc





To: Bogenreif <tbogenreif@ci.lincoln.ne.us>

Subject: RFI (Law, StarTran)

Tammy, please process the following RFI. Thank you.

Referred To: Dana Roper, Law Dept. Larry Worth, StarTran

## REQUEST FOR INFORMATION CITY COUNCIL OFFICE

From: Terry Werner (City Council Member) Date: June 15, 2004

REGARDING: HandiVan Users Transporting Alcohol

**REQUEST:** Please respond to the following question.

Is it legal or illegal for a user of Handi Van to carry packaged alcohol on board, e.g. one who is transported to and from a grocery store being allowed to transport unopened alcoholic items?

To: Bill Crawford

105 N. 8th St., Apt. 206 Lincoln, NE 68508

cc: Terry Werner

RESPONSE (Indicate action taken): By:

AECENED

JUN 2 4 2004

Referred to:

Allan Abbott, Public Works Dir./

Larry Worth, StarTran

CITY COUNCIL

## REQUEST FOR INFORMATION COUNCIL OFFICE

4060/80

Terry Werner - #134 June 21, 2004 Date (Council Member) RE: HandiVan Service to Coaches, 640 W. Prospector Ct. Would you please respond to the attached E-Mail and send me a copy of the response. Please respond to Bill Crawford with copy to me. Thanks. -Terry Werner ce: Bill Crawford 105 N. 8th Street, #206 (08) - FOR YOUR INFORMATION - COPY OF REQUEST SENT BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU Mayor's Office RESPONSE (Indicate action taken): Del attached response COMMENTS: PLEASE RESPOND WITH 15 COPIES/tig



## CITY OF LINCOLN N E B R A S K A

MAYOR COLEEN J. SENG www.ci.lincoln.ne.us

StarTran
Public Works and Utilities Department
Allan Abbott, Director
710"]" Street
Lincoln, Nebraska 68508
402-441-7185
fax: 402-441-7055



June 23, 2004

Mr. Bill Crawford 105 N. 8th Street, Apt. #206 Lincoln, NE 68508

RE: Handi-Van Service to Coaches, 640 W. Prospector Court

Dear Mr. Crawford:

This letter is to follow up your June 21, 2004 inquiry to Councilperson, Terry Werner, as to if StarTran Handi-Van service may be utilized to travel to Coaches Bar and Grill, located at 640 West Prospector Court.

As I noted to you during our June 18, 2004 phone conversation, the subject location has been determined to be located within the Lincoln city limits. As such, Handi-Van service may be provided there upon request.

Sincerely,

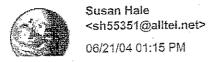
Larry D. Worth Transit Manager

ce: Allan Abbott, PWU

Terry Werner, City Council

rfi#134coleman-werner





To: Bogenreif <tbogenreif@ci.lincoln.ne.us>

CC:

Subject: RFI/Handivan

ZFZ#/34

Tammy, please process the following RFI. Thank you. Susan

RECEIVED

Referred To: Allan Abbott, Public Works Dept.

and

JUN 2 1 2004 CITY COUNCIL OFFICE

Larry Worth. StarTran

## REQUEST FOR INFORMATION CITY COUNCIL OFFICE

From: Terry Werner, City Council

Date: June 21, 2004

RE: HandiVan Service to Coaches, 640 W. Prospector Ct.

Please respond to the following questions.

A HandiVan user has been told he cannot be transported to Coaches Bar and Grill located at 640 W. Prospector Ct. because it is not within the city limits; however, the area was annexed into in Dec. of 2003.

Did HandiVan not know of this annexation; thus, denied service to the area? If this is not the case, please advise as to the reason a person will not be transported to the location.

Thank you.

Respond To: Terry Werner

ce: Bill Crawford 105 N. 8th St., #206 Lincoln, NE 68508

RESPONSE (Indicate action taken): By: 10 Date: 6/3/04

attached

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statue not a transportation or social service statue. The ADA requires **nondiscrimination** and **accommodation** for individuals with disabilities in: **employment**, **public accommodation**, **state & local government services**, **transportation and communications**.

(every person gets to communicate)

## Title I - prohibits discrimination in employment

Title II - prohibits discrimination in all services, programs & activities by public entities. A substantial part of Title II addresses transportation. It intended to establish equality of fixed route & paratransit service. Requires 1)All newly purchase, leased or remanufactured vehicles used in fixed route services must be accessible.

2)Public entities which provide fixed route service must offer **comparable paratransit service** to individuals with disabilities unable to use the fixed route service.

3) All new facilities and alterations must be accessible.

Title III-full & equal enjoyment of goods, services, facilities, privilege of privately owned places of public accommodation.

Title IV - telephone companies offer relay services

Title V - administrative & miscellaneous provision.

1991 DOT issued notice of proposed rulemaking (NPRM) to implement transportation provisions of ADA. Key requirements of the rule:

- 1) Transit providers must provide accessible facilities & vehicles
- 2) New, used & remanufactured buses used in fixed route service must be accessible
- 3) Public entities operating fixed route service must provide complementary paratransit service. Intended to establish EQUALITY of fixed route service & paratransit service. Emphasizes nondiscriminatory access to fixed route service with paratransit as a "safety net" for those unable to use fixed route service. It is not an attempt to meet all transportation needs of individuals with disabilities but intended to offer equal service opportunities (good or bad) as fixed route opportunities.
  - 4) May request waiver of paratransit service to the extent it imposes undue financial burden
- 5) Paratransit plan submitted to Urban Mass Transit Administration (UMTA) and implemented by January 1992.

### Definitions:

Disability = physical or mental impairment that substantially limits one or more major life activities (self-care, manual tasks, walking, seeing, hearing, speaking, breathing, learning, working)

Fixed route = service provided along a prescribed route according to a fixed schedule

Demand responsive = any service which is not fixed route

Paratransit = comparable transit service that must be provided for individuals w/disabilities unable to use fixed route

Comparable service = 1) same service area

- 2) comparable response time
- 3) comparable fares

- 4) comparable days & hours of service
- 5) any trip request
- 6) no limit due to capacity constraints

Access to fixed route service is required, paratransit is not a substitute, but a supplement for individuals with disabilities unable to use fixed route system.

Fixed route operator must provide assistance with use of lifts, ramps & securement devices

## Eligibility Categories::

Category I: Any individual with a mental or physical impairment unable to board, ride or disembark from an accessible vehicle w/o assistance beyond the bus driver. Includes individuals unable to "navigate" the fixed route system.

Category II: An individual unable to ride the fixed route system because it is not accessible

Category III: An individual w/a disability that prevents their travel to/from boarding location on fixed route system.

## Types of Eligibility:

Conditional: when certain "conditions" occur an individual is unable to utilize fixed route system

Temporary: individual with a temporary disability Permanent: always eligible for paratransit service

Process to become eligible: materials must be available in accessible formats (braille, large print, audio, telephone etc)

Determine eligibility within 21 days, if not assumed eligible until decision made Denials must be made in writing and include reason and how to appeal

Category III examples: disability prevents travel to/from bus stop

- 1) Blind individual can not cross major intersection not equipped w/assistive device such as audible signal to get to/from stop
- 2) Cardiac condition sensitive to high temps & can not wait outside for bus during extremely hot weather
- 3) MS or severe arthritis aggravated by high humidity eligible when environmental conditions exists
- 4) Manual wheelchair/walker/braces cannot navigate steep terrain & traveling to bus stop involves hilly area
- 5) Person w/ambulatory disability is unable to go to/from bus stop due to lack of curb cuts
- 6) Cognitive impairment prevents ability to remember & follow directions to get to/from stops safely.
- 7) Frail person unable to travel beyond 1/4 miles and bus stop or destination is beyond that distance.
- 8) Person using ambulatory device cannot maneuver when snow/ice are accumulated eligible during those conditions
- 9) Respiratory condition affected by high air pollution eligible during those conditions

## Response time requirement:

- 1) reservations may be requested during normal office operating hours everyday & day preceding holidays
- 2) reservations accepted up to 14 days in advance and as late as 1 day prior
- 3) reservations accepted on space available basis, no priorities (except subscription)
- 4) if requested time is unavailable, time must be offered within 1 hour before/after or mutually agreed upon time beyond
- 5) may request return pick-up at time of reservation

Fares: may charge up to double the undiscounted full fare charged to fixed route service

- 1) no charge to attendant (1 attended allowed)
- 2) same fare charged to friend/companion 1 friend/companion allowed, additional on space available basis cannot require an attendant

May refuse service to individual engaged in illegal, disruptive or dangerous behavior same as if on fixed routes.

Can not require use of designated seats or use of seatbelts. Can require use of wheelchair restraint.

Access Board Standards - must comply w/ to be accessible, determines common wheelchair size & weight

Subscription service- not required but can provide

Provides assurance of regular trips (work, school, volunteer etc)

Can not absorb full capacity of system - 50% limit

Can not limit trip purpose



cc:

Subject: Fwd: Cats

Jon Camp Lincoln City Council City Council Office: 441-8793 Constituent representative: Darrell Podany

---- Message from Utgraddad56@aol.com on Fri, 18 Jun 2004 01:56:13 EDT ----

To: CAMPJON@aol.co

m

## Subject Cats

You were just first on the list at the web site - I am sorry.

I am still sitting here cracking up over this.

I have been to Lincoln - I did not see no crazy people there.

Must not have looked hard enough.

Did not see no crazy cats either.

Can you tell me how to get a permit. I want to open a cat leash store.

I'm sure to make bundle.

Visit "The English Family of Westminster, California" web site at-

http://hometown.aol.com/ranglish/titleindex.html





cc: dpodany@ci.lincoln.ne.us (Darrell Podany)

Subject: Fwd: Cats on a leash

Jon Camp Lincoln City Council City Council Office: 441-8793 Constituent representative: Darrell Podany

---- Message from Utgraddad56@aol.com on Fri, 18 Jun 2004 01:45:12 EDT ----

To: CAMPJON@aol.com

Subject: Cats on a leash

You guys are not serious about that? Are you?

If I lived in Lincoln, Nebraska......I would ask myself if there were not more important issues to deal with. And I damn sure would not re-elect anyone who thought a cat should be kept on a leash.

You have got to be kidding me.

Bill English

Viisit "The English Family of Westminster, California" web site at-

http://hometown.aol.com/ranglish/titleindex.html





cc:

Subject: Fwd: NBNA - Overgrown Lawn Report

RECEIVED
JUN 2 3 2004
GITY COUNCIL
OFFICE

For Council packets.

Jon Camp Lincoln City Council City Council Office: 441-8793 Constituent representative: Darrell Podany

---- Message from Ed Caudill <edcaudill@juno.com> on Tue, 22 Jun 2004 12:00:24 -0500 ----

To: amcroy@ci.lincoln.ne.us, gfriendt@ci.lincoln.ne.us, jcook@ci.lincoln.ne.us, jcamp@ci.lincoln.ne.us, ksvoboda@ci.lincoln.ne.us, twerner@ci.lincoln.ne.us, PatteNewman@neb.rr.com

cc: cseng@ci.lincoln.ne.us, mmerwick@ci.lincoln.ne.us, lquenzer@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us

Subject NBNA - Overgrown Lawn Report

Dear City Council Members:

Lincoln Neighborhoods need help. Especially those neighborhoods which have become mostly rental property. Overgrown lawns are just one of the many problems facing residents in these neighborhoods. These types of problems continue to spread further out into our newer neighborhoods as Lincoln grows.

I would ask that you support efforts to increase enforcement of current codes and look at additional ways to combat those things which increase blight in our city. If we don't act soon we're going to see large areas of our city looking like the slums you see in other cities across this county.

I'd be happy to meet with and give any of you a tour of the North Bottoms to show you what I'm talking about.

Thanks!

Ed Caudill - President North Bottoms Neighborhood Association

Diana/Urban Development -

Attached is an Excel spreadsheet with the "Overgrown Lawn Report" for the North Bottoms Neighborhood. Some of these lawns are high enough to get lost in. It's sad the few remaining resident owners in the neighborhood have to live next to these rental businesses run by people who live in neighborhoods where this would not be tolerated.

If anyone is interested...you can remove the hidden columns and view last years repeat offenders. Some of these owners are millionaires who could care less what they do to our quality of life in the North Bottoms. Many of these houses have junk, trash and unlicensed cars sitting on the same property.

Please forward to the appropriate city department for action.

We appreciate the help the Urban Development Department provides Lincoln's Neighborhoods!!!!

Thanks!

Ed

Ed Caudill - President North Bottoms Neighborhood 1223 North 9th Street, Suite 100 Lincoln NE 68508

Phone: 402-435-7582

eFax: 240-331-7544 email: edcaudill@juno.com

Overgrown Lawn Report.xl

## North Russian Bottoms - 2004 - Overgrown Lawn Report Lawn overgrown on the dates indicated in box to right of address. If box is Tuesday

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Yellow Highlight = VERY TALL GRASS & WEEDS
Red Lettering = Indicates Multipule Weeks In A Row With No Mowing Takin

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JUN 2 3 2004





CAMPJON@aol.com

06/22/2004 08:34 PM

To: yaegerl@midlandspkg.com

cc: dpodany@ci.lincoln.ne.us (Darrell Podany), jray@ci.lincoln.ne.us (City

Council)

Subject: Re:

#### Lori:

Great letter. I will watch for it. For your information, the newspaper was premature in announcing it was proposing a cat leash law. This has always been a hot topic, but perhaps it will come to a head now.

Jon Camp Lincoln City Council City Council Office: 441-8793 Constituent representative: Darrell Podany



cc:

Subject: Fwd:

Jon Camp Lincoln City Council City Council Office: 441-8793 Constituent representative: Darrell Podany

---- Message from "Lori Yaeger" <yaegerl@midlandspkg.com> on Mon, 21 Jun 2004 21:51:52 -0500 ----

To <twerner@ci.lincoln.ne.us>, <ksvoboda@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>,

: <jcamp@ci.lincoln.ne.us>, <gfriendt@ci.lincoln.ne.us>, <jcook@ci.lincoln.ne.us>, <amcroy@ci.lincoln.ne.us>

Dear City Council Members,

I just sent a letter to the Journal Star's editor in response to a woman complaining about 'Cats on Leashes??!!' and I wanted to send you a letter as well. Here's the letter I sent to the Editor:

I would like to thank Margy Ryan for a good laugh Sunday morning from her Letter to the Editor, 'Cat's on Leashes??!!' She obviously is a cat lover who lets her cats run her neighborhood. Maybe she hasn't had the pleasure of waking up to cats fighting in the middle of the night under her bedroom window on a regular basis. Maybe she hasn't experienced having to pick up cat poop in her fenced in back yard. Maybe she hasn't experienced her kids having to wait to play in their graveled play area until Mom picks up the cat poop. Maybe she hasn't come home from work to find a cat using her front flower garden as a litter box. Yes, I agree you don't read about cats mauling a 5 year old child, but I'm sure if you contact Animal Control, they will tell you plenty of stories of cats being picked up off our city streets, dead. Isn't that reason enough to keep your pet at home? This isn't a matter of cats attacking people. It's about taking care of your pet properly. WHY a cat owner would allow it's beloved pet to run free for hours on end without being supervised, I will never understand. Yes, I am a dog owner and my dog would never hurt a fly yet I have to keep my pet confined to my yard because that's the law. It should be the same for all pets. Why shouldn't you have to be responsible for your pet? Oh and Margy, just for your benefit, last year they passed a city wide law prohibiting standing water in your yard, punishable by a fine up to \$150. You might want to check your yard tonight for standing water.

Lori Yaeger

I don't know what your views are on cats on leashes, but I would ask you to please make the law fair for all pet owners. In a way, it's discrimination against dog owners. I'd hate to see the city in a lawsuit over discrimination against something like this, but with people being so happy to sue for a buck these days, I'm sure someone's out there and they just haven't thought of the idea yet. Who ever would have thought if you spilled coffee on yourself, it'd be worth millions?

Thanks for your time today and for your consideration on this matter. Lori Yaeger



Building and Safety Department Mike Merwick, Director 555 South 10th Street Room 203 Lincoln, Nebraska, 68508

402-441-7521 fax: 402-441-8214 bldgsafe@ci.lincoln.ne.us



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

JUN 2 4 2004
GITY COUNCIL

To: Mayor Seng, City Council, County Board

HALLAM 6-23-04

Three week ago the Hallam Board contacted Building & Safety and wanted to meet to discuss Building Codes and Inspections.

Building & Safety went to Hallam to meet with representative of the Hallam Board and their Attorney. B/S discussed several ideas.

Do as you have done in the past with no codes and Village Board approval of building permits.

Adopt a Building Code and have inspections Hire an arch or engineering firm to do plan review and inspections.

Hire a Building Inspector for Hallam

Hallam asked if Lincoln could do the Inspections. B/S said Hallam would have to adopt the International Building Code, the International Resenditial Code and other related Lincoln -

Lancaster County Codes and cost of Inspection would be the same as in Lincoln. Agreement would only be for a two year period to take care of the tornado damage.

For the past two weeks B/S has been working with the Hallam attorney in drafting an Interlocal agreement to make this happen. The Hallam Board said they wanted to get this agreement in place so that Construction could start now as many residents had only six months of relocation monies available and they need to build as soon as possible.

The Interlocal agreement must be signed by the Hallam Board before Lincoln could move forward but B/S would set up the approval process by the Lincoln City Council so as not to delay the agreement for a long period of time.

B/S and the Hallam Attorney finished the Inter-local and it was sent to the Hallam Board for action. On 6-23-04 B/S met with the Hallam Board and the Inter-local was tabled for additional review by the Board.

B/S had placed on the City Council Agenda for 6-28-04 a request for emergency approval of the Interlocal agreement. Based on the Hallam action this was deleted until we hear from the Hallam Board.

### Hallam meeting 6-23-04

At the Village Meeting B/S answered questions.

Some residents felt Hallam did not need Lincoln-Lancaster County Codes or any Code.

Other residents said that they moved to Hallam to get away from Codes and build what they wanted.

Others said they did not want to pay a fee to Lincoln

Others said the Codes were to strict

Some felt Inspection were not necessary

Some felt that Codes and Inspections were beneficial in Hallam

B/S told the residents that the department had made numerous inspection of properties over the past three weeks to assist in determining the safety and construction problems with homes in Hallam

Hallam residents have come to Building & Safety Department the past couple of weeks wanting permits to start building. No permits have been issued by Building & Safety.

Building & Safety has discussed plans to build, to remodel or to fix damaged houses with Hallam residents and will continue to answer questions. At he conclusion of the Village meeting the Hallam Board was going to investigate options for Code and Inspections with:

UNL College of Architecture

Crete

Hiring an Architect

Have a five member group of residents perform inspections

B/S told the Village meeting that the ordinance to establish the Interlocal agreement was on the City Council Agenda for Monday 6-28-04 but the ordinance would be tabled until the Hallam Board requested action and the Interlocal was signed by Hallam.

Hope this information is helpful.

If you have a question call me at 430-6785.

Michael Merwick

Muleal

Director Building & Safety

### OFFICE OF TREASURER, CITY OF LINCOLN, NEBRASKA

June 17, 2004

TO:	RESTAN	Calcar	Some	9	Pitos	Council	Members
1 <b>U</b> P:	mayor	Poleeu	seng	<b>434</b>	P-117A	Councii	members

FROM:

**Finance Department/City Treasurer** 



### SUBJECT: MONTHLY CITY CASH REPORT

\*\*\*\*\*\*\*\*\*\*\*\*\*

The records of this office show me to be charged with City cash as follows at the close of business May 31, 2004.

Cash Balance on May 31, 2004	<u>*</u> \$	254,168,114,44
Less Total Credits May 1 - 31, 2004	\$	(26,002,215.80)
Plus Total Debits May 1 - 31, 2004	\$	27,951,273.39
Balance Forward	\$	252,219,056.85

I desire to report that such City cash was held by me as follows which I will deem satisfactory unless advised and further directed in the matter by you.

U.S. Bank Nebraska, N.A	\$	47,778.23
Wells Fargo Bank	\$	257,699.33
Union Bank & Trust Company	\$	3,845.91
Pinnacle Bank	\$	(19,753.29)
Cornhusker	\$	5,169.55
West Gate Bank	\$	36,334.78
Wells Fargo Bank Credit Card Bank Account	\$	(1,487.49)
Idle Funds - Short-Term Pool	\$	53,520,592.69
Idle Funds -Medium-Term Pool	\$	199,584,864.83
Cash, Checks and Warrants	<u>\$</u>	733,069.90
Total Cash on Hand May 31, 2004	\$	254,168,114.44

The negative bank balances shown above do not represent the City as overdrawn in these bank accounts. In order to maximize interest earned on all City funds, deposits have been invested prior to the Departments' notification to the City Treasurer's office of these deposits; therefore, these deposits are not recorded in the City Treasurer's bank account balances at month end.

l also hold as City Treasurer, securities in the amount of \$26,177,581.00 representing authorized investments of the City's funds.

ATTEST:	
	Melinda J. Jones, City Treasurer
Joan E. Ross, City Clerk	

# CITY OF LINCOLN - PLEDGED COLLATERAL STATEMENT MAY 31, 2004

JUN 1 8 2004			MAY 31, 2004			
DESCRIPTION DUNCIL	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLMC FGLMC D67795	3128F7UU6	01Dec09	\$ 1,191,991.00	\$ 130,025.74	1.10	\$ 142,606.24
FNMA FNCI 720355	31401WH85	01Jul18	1,600,000.00	\$ 1,432,309.55	0.98	\$ 1,399,430.74
FNMA FNCI 721608	31401XU96	01Jul18	\$ 12,000,000.00	\$ 11,008,471.08	0.95	\$ 10,503,083.18
FNMA FNARM 303824	31373UPH4	01Jul25	1,600,000.00	\$ 67,476.91	1.03	\$ 69,575.38
FNMA FNCL538363	31385AB89	01Apr30	\$ 550,000.00	\$ 131,241.34	1.08	\$ 141,861.52
FNMA FNCI 254725	31371K4J7	01May33	\$ 500,000.00	\$ 447,600.67	96.0	\$ 430,033.68
FNMA FNCI 682970	31400BW77	01Feb18	\$ 7,100,000.00	\$ 5,551,784.79	0.98	\$ 5,424,343.02
GNMA-2 G2JO 3156	36202DQH7	20Nov16	\$ 2,550,000.00	\$ 1,208,104.40	1.02	\$ 1,237,582.14
FNMA FNCI 626694	31389JGB4	01Jan17	\$ 5,700,000.00	\$ 3,363,450.36	1.00	\$ 3,364,930.28
FNMA FNCI 254194	31371KKF7	01Feb17	\$ 2,100,000.00	\$ 1,110,276.55	1.00	\$ 1,110,765.07
GNMA-2 G2JO 3194	36202DRP8	20Feb17	\$ 4,130,000.00	\$ 2,255,490.01	1.02	\$ 2,309,741.32
FNMA FNCL 254592	31371KXV8	01Dec32	\$ 3,100,000.00	\$ 2,432,738.08	0.96	\$ 2,338,994.95
FNMA FNCL 254233	31371KLN9	01Mar17	\$ 7,000,000.00	\$ 4,037,520.76	1.00	\$ 4,039,297.27
US BANK NE		TOTAL PLEDGED	\$ 49,121,991.00	\$ 33,176,490.24		\$ 32,512,244.79
FNCL 535771 6.00%	31384WFL9	01Feb31	\$ 8,200,000.00	\$ 1,702,928.27		\$ 1,735,355.52
FNCT 255047 5.5%	31371LHY8	01Dec23	\$ 350,000.00	\$ 329,500.71		\$ 332,014,45
FNCL 555285 6.00%	3138SW2S7	01Mar33	\$ 17,005,000.00	\$ 7,485,251.88		\$ 7,615,480.81
FNCL 666295 6.00%	31391GGC4	01Nov32	\$ 8,650,000.00	\$ 2,510,930.04		\$ 2,554,615,38
FNCL 545277 6.00%	31385HXE7	01Nov31	\$ 5,400,000.00	\$ 1,207,275.41		\$ 1,229,140.33
FNCL 615057 6.00%	31388UJA9	01Jan32	\$ 5,000,000.00	\$ 1,601,950.15		\$ 1,630,963.01
FNCL 622169 6.00%	31389DFJ1	01Dec31	\$ 2,200,000.00	\$ 622,534.46		\$ 633,809.16
GNSF 781210 6.50%	36225BKX5	15Sep29	\$ 8,700,000.00	\$ 1,588,037.53		\$ 1,653,055.22
FNCL 323715 6%	31374TSC4	01May29	\$ 10,500,000.00	\$ 2,032,523.74		\$ 2,071,227.16
FNCL 323605 6.50%	31374TNW5	01Mar29	\$ 2,400,000.00	\$ 309,243.60		\$ 321,171.72
WELLS FARGO BANK NE		TOTAL PLEDGED	\$ 68,405,000.00	\$ 19,390,175.79		\$ 19,776,832.76
US Treasury 6.50%	912827T85	15May05	\$ 250,000.00			
FARM CREDIT NOTE 5%	31331LGY8	10May04	\$ 250,000.00			
UNION BANK LINCOLN		TOTAL PLEDGED	\$ 500,000.00			
FNMA Pool #253819	31371J4C5	01May11	\$ 350,000.00			
CORNHUSKER BANK		TOTAL PLEDGED	\$ 350,000.00			
Guaranty Bond DG2170NE			\$ 4,500,000.00			

DESCRIPTION	CUSIP	MATURITY DATE	ORIGINAL FACE	CURRENT PAR	MARKET PRICE	MARKET VALUE
FHLB 2,50% to 5/05, then 5.25	3133MYQG5	19Nov08	\$ 500,000.00			
WEST GATE BANK		TOTAL PLEDGED	\$ 5,000,000.00			
CD 03-00072788		23Mar05	\$ 2,000,000.00			\$ 2,000,000.00
CD 03-00072789		23Dec04	\$ 2,000,000.00			\$ 2,000,700.00
TIER ONE BANK		TOTAL PLEDGED	\$ 4,000,000.00			





### RESOLUTION NO. A-

BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of
Lincoln, Nebraska:
That the attached list of investments be confirmed and approved, and the City
Treasurer is hereby directed to hold said investments until maturity unless
otherwise directed by the City Council.
INTRODUCED BY:
Approved:
Don Herz, Finance Director
Approved this day of
Mayor

# FINANCE DEPARTMENT TREASURER OF LINCOLN, NEBRASKA INVESTMENTS PURCHASED JUNE 14 THRU JUNE 18, 2004



June 14, 2004, we cashed a \$275,000 First American Government Obligation Fund at US Bank in the Short Term Pool. We then added to that amount and invested \$2,250,000 in the Short Term Pool as follows:

\$2,235,000	Dreyfus Government Fund at Wells Fargo Bank
\$15,000	Nebraska Public Agency Investment Trust at Union Bank

June 15, 2004, we cashed a \$76,000 First American Government Obligation Fund at the US Bank out of the Short Term Pool. We then invested \$190,000 as follows:

\$160,000	Dreyfus Government Fund at Wells Fargo Bank
\$30,000	Nebraska Public Agency Investment Trust at Union Bank

An investment of \$2,500,000 matured June 17, 2004, and we immediately cashed, added to that amount and invested \$2,938,000 in the Short Term Pool as follows:

\$740,000	Dreyfus Government Fund at Wells Fargo Bank
\$2,193,000	First American Government Obligation Fund at US Bank
\$5,000	Nebraska Public Agency Investment Trust at Union Bank



Due to a surplus of funds in the Short Term Pool June 18, 2004, we invested \$1,008,000 as follows:

\$225,000	Dreyfus Government Fund at Wells Fargo Bank
\$165,000	Nebraska Public Agency Investment Trust at Union Bank
\$618,000	First American Government Obligation Fund at US Bank

We respectfully request approval of our actions.	
Don Herz, Finance Director	Melinda J. Jones, City Treasurer



# Lincoln - Lancaster County Emergency Management

# **NEWS RELEASE**

RECEIVEL

JUN 2 1 2004

CITY COUNCIL

LANCASTER COUNTY EMERGENCY MANAGEMENT

575 S. 10th Street, Lincoln, NE 68508

FOR IMMEDIATE RELEASE: June 21, 2004

FOR MORE INFORMATION: Kerry Eagan, Lancaster Co. Commissioners, 441-6856

Dave Norris, Citizen Information Center, 441-7547

### COUNTY REVISES TIME FRAMES FOR DEBRIS REMOVAL

Lancaster County Emergency Management and the County Board of Commissioners today announced revised deadlines for debris collection and removal associated with the May 22 storms.

Citizens who live east of Highway 77 have until **noon Wednesday**, **June 23** to place their separated storm debris piles into the county right-of-way (in the ditch, off the roadway). Citizens who reside west of Highway 77 have until **noon Thursday**, **June 24** to place their separated storm debris piles into the county right-of-way.

Debris is NOT to be placed in the ditch on Highway 77.

"Based on feedback from citizens affected by the storms, it became apparent that more time was going to be needed to allow them to place their debris in the ditch for removal," said Kerry Eagan, Chief Administrative Officer for Lancaster County. "We are pleased that we can work with FEMA and the contractors to allow citizens the time needed to properly dispose of their debris."

The separated piles of debris consist of:

- · trees and brush
- metal waste including appliances
- · demolition materials/furniture including boards, shingles, insulation, plumbing, electrical, etc.
- · tires (which will be picked up at a later date, but prior to the end of June).

No hazardous waste is allowed in the right-of-way. To make arrangements for proper disposal of hazardous waste, individuals are asked to call the Lincoln-Lancaster County Health Department at 441-8021 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

For a copy of the Lancaster County Debris/Related Waste Removal Plan, as well as other information regarding the disaster cleanup effort, you can visit the county website, lancaster.ne.gov, and click on the "Lancaster Co. Disaster Relief Effort" link.



# Lincoln - Lancaster County Emergency Management

## **NEWS RELEASE**

### LANCASTER COUNTY EMERGENCY MANAGEMENT

575 S. 10th Street, Lincoln, NE 68508

FOR IMMEDIATE RELEASE: June 22, 2004

FOR MORE INFORMATION: Kerry Eagan, Lancaster Co. Commissioners, 441-7447

Dave Norris, Citizen Information Center, 441-7547

# LANCASTER COUNTY EMERGENCY MANAGEMENT NO LONGER RECRUITING VOLUNTEERS TO HELP WITH CLEAN-UP EFFORT

Lancaster County Emergency Management is no longer asking for volunteer help to assist with the ongoing clean-up effort in Hallam and Lancaster County. Large numbers of volunteers are no longer needed as the recovery effort enters its final stages.

More than 3,350 volunteers assisted with the clean-up effort resulting from the May 22 storms. The volunteer effort was coordinated through Volunteer Partners in Lincoln. Lancaster County Emergency Management Director Doug Ahlberg said the volunteers provided a great resource.

"I can't say enough about the tremendous job that the volunteers did," Ahlberg said.
"Nebraskans help Nebraskans in times of trouble and the volunteers' spirit and commitment to getting the job done was exemplary. We can't thank them enough."

The cleanup of Hallam and Lancaster County is expected to be completed by the end of June.

-30-



LLCHD

402 441 3890



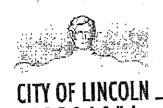
# **FAX COVER SHEET**

Lincoln-Lancaster County Health Department Environmental Health Division - 2nd Floor 3140 "N" Street + Lincoln, NE 68510-1514

Phone: 402-441-8000 Fax: 402-441-3890

RECENE JUN 2 1 2004 GITY LUUMIA OFFICE

Date: 6 - 21-04	Number of Pages
FROM:	<i>TO:</i>
Name: Harry Heafer	Attention: Joan Rey
Phone: 441-8035	Subject: Ggarette Litter Present Research Project
	Fax No. 441-6533
N	1ESSAGE
Joan,	
Thank you for help	sig distribute this to the City Court
members.	
Hare	
J. Yari	
	·
	*Cancil received
	on 6/21/04
	7.6.



HAYOR COLEEN J. SENG

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT 3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

FOR IMMEDIATE RELEASE:

June 17, 2004

FOR MORE INFORMATION:

Harry Heafer; 441-8035

Cigarette Litter Prevention Research Project Announced

Lincoln one of nine communities in the nation conducting this research

On Tuesday, June 22 at 2:00 p.m., Mayor Coleen J. Seng will kick off the Keep America Beautiful Cigarette Litter Prevention Research Program in downtown Lincoln at 120 N. 14th Street.

"Cigarette litter is a problem in many communities, including Lincoln," said Mayor Seng. "I support this research and am encouraged that the businesses and property owners in downtown Lincoln are participating in this project. We want our downtown to be attractive and clean. This project targets cigarette litter, including cigarette butts, packaging and lighting material, which are some of the most commonly littered items in Lincoln."

"Lincoln is one of nine cities across the United States selected to participate in this important research project aimed at reducing cigarette litter," said Harry Heafer, coordinator of Keep Lincoln & Lancaster County Beautiful, a program of the Lincoln-Lancaster County Health Department and local affiliate of KAB.

A team of stakeholders including the Downtown Lincoln Association, Downtown Neighborhood Association, Lincoln-Lancaster County Health Department, Urban Development, Planning Department, City Council, Keep Nebraska Beautiful, Citizen Information Center and KLLCB Advisory Committee were involved in assisting with project planning.

Cigarette butt receptacles have been installed in the research area and a public service message will be displayed on a billboard, on 5 City TV and ran several times a week in the Lincoln Journal Star throughout the campaign.

The test campaign will be conducted through August 31 in the downtown Lincoln area. A pre-scan of cigarette litter was conducted prior to starting the study and a post-scan will be done at the end of August. The results of the research program will be released at Keep America Beautiful's National Conference in December in Washington D.C.

Keep Lincoln & Lancaster County Beautiful's mission is to improve waste handling practices and increase environmental awareness through education and participation, and to keep Lincoln and Lancaster County litter free. KLLCB is partially funded by a grant from the Litter Reduction and Recycling Fund administered by the Nebraska Department of Environmental Quality.

Cigarette Litter Research Project June 17, 2004 Page 2

Keep America Beautiful, Inc., is a national, nonprofit public education and community improvement organization whose network of more than 540 local, statewide and international programs educate individuals about litter prevention and ways to reduce, reuse, recycle and properly manage waste materials. Through partnerships and strategic alliances with citizens, businesses and government, Keep America Beautiful's programs motivate millions of volunteers annually to clean up, beautify and improve their neighborhoods, creating safer and more liveable community environments. Keep America Beautiful celebrated its 50th anniversary in 2003. For more information, visit <a href="https://www.kab.org">www.kab.org</a>.

XXX



### CITY OF LINCOLN N E B R A S K A

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County Planning Department Marvin S. Krout, Director

Mary F. Bills-Strand, Chair City-County Planning Commission

> 555 South 10th Street Suite 213 Lincoln, Nebraska 68508 402-441-7491 fax: 402-441-6377

June 21, 2004

Jason Theillen Engineering Design Consultants 2200 Fletcher Avenue, Suite 102 Lincoln, NE 68521 RECEIVED

JUN 2 2 2004 CITY COUNCIL OFFICE

RE: Prairie Village 1st Addition Final Plat #04036

Dear Mr. Thiellen,

Prairie Village 1<sup>st</sup> Addition was approved by the Planning Director on June 10, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per existing lot and per new lot and \$20.00 per plat sheet for the plat, and \$.50 per new lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Becky Horner

Planner

CC: Owner/Subdivider

Joan Ray, City Council (14)

Dennis Bartels, Public Works & Utilities

Terry Kathe, Building & Safety Sharon Theobald, Lincoln Electric

Jean Walker, Planning

File

F:\FILES\PLANNING\PC\FP\Approval.wpd



### PLANNING COMMISSION FINAL ACTION

**NOTIFICATION** 

JUN 2 4 2004 GTY COUNCE

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannir

DATE:

June 24, 2004

RE

Special Permit No. 04031

(Dwelling units above the first floor in B-4 Lincoln Business District)

Resolution No. PC-00879

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 23, 2004:

Motion made by Larson, seconded by Krieser, to approve **Special Permit No. 04031**, with conditions, requested by The Creamery, L.L.C., for authority to waive the requirement for side yards adjacent to walls with windows for dwelling units above the first floor in the B-4 Lincoln Business District, on property located at 701 P Street. Motion for approval, with conditions, carried 9-0: Pearson, Marvin, Krieser, Carlson, Larson, Sunderman, Bills-Strand, Taylor and Carroll voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

### Attachment

cc:

Building & Safety

Rick Peo, City Attorney

Public Works

Sheryl Alderman, The Creamery, L.L.C.

Downtown Lincoln N.A.

Downtown Lincoln Association

i:\shared\wp\jlu\2004 conotice.sp\SP.04031

### RESOLUTION NO. PC- 00879

### SPECIAL PERMIT NO. 04031

1	WHEREAS, The Creamery LLC has submitted an application designated
2	as Special Permit No. 04031 for authority to waive the requirement for side yards
3	adjacent to walls with windows for dwelling units above the first floor in the B-4 Lincoln
4	Business District on property located at 701 P Street, and legally described as:
5 6 7	Lots 5-10 of Block 45, Original Plat of Lincoln, located in Section 23, Township 10 North, Range 6 East of the 6 <sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska;
8	WHEREAS, the Lincoln City-Lancaster County Planning Commission has
9	held a public hearing on said application; and
10	WHEREAS, the community as a whole, the surrounding neighborhood,
11	and the real property adjacent to the area included within the site plan for this exception
12	to the zoning code to allow windows for dwelling units on the upper floors of this
13	building will not be adversely affected by granting such a permit; and
14	WHEREAS, said site plan together with the terms and conditions
15	hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
16	and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
17	public health, safety, and general welfare.

1	NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster	
2	County Planning Commission of Lincoln, Nebraska:	
3	That the application of The Creamery LLC, hereinafter referred to as	
4	Permittee", to waive the requirement for side yards adjacent to walls with windows for	
5	dwelling units above the first floor in the B-4 Lincoln Business District be and the same	
6	is hereby granted under the provisions of Section 27.63.410 the Lincoln Municipal Code	
7	upon condition that construction and occupancy of said residential units be in strict	
8	compliance with said application, the site plan, the requirements of Section 27.63.410	
9	and the following additional express terms, conditions, and requirements:	
10	1. This permit approves the development of residential units in upper	
11	floors of the existing building at 701 P Street using windows on any or all walls.	
12	2. Before receiving building permits the construction plans must	
13	conform to the approved plans.	
14	3. Before occupying the dwelling units all development and	
15	construction must conform to the approved plans.	
16	4. The site plan, approved by this permit, shall be the basis for all	
17	interpretations of setbacks, yards, locations of buildings, location of parking and	
18	circulation elements, and similar matters.	
19	5. The terms, conditions, and requirements of this resolution shall be	
20	binding and obligatory upon the Permittee and the Permittee's successors and assigns.	
21	The building official shall report violations to the City Council which may revoke the	

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided,

special permit or take such other action as may be necessary to gain compliance.

22

23

24

1	however, said 30-day period may be extended up to six months by administrative	
2	amendment. The City Clerk shall file a copy of the resolution approving the special	
3	permit and the letter of acceptance with the Register of Deeds, filing fees therefor to b	
4	paid in advance by the Permittee.	
5	The foregoing Resolution was approved by the Lincoln City-Lancaster	
6	County Planning Commission on this <u>23rd</u> day of <u>June</u> , 2003.	
	ATTEST:  May Salls— Stand  Chair	
	Approved as to Form & Legality:	
	17. Uleo	
	Chief Assistant City Attorney	

### PLANNING COMMISSION FINAL ACTION

**NOTIFICATION** 

FECTIVE

JUN 24 2004

CITY COUNCIL

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannir

DATE:

June 24, 2004

RE

Preliminary Plat No. 04002 - Stone Bridge Creek 1st Addition

(South of Humphrey Avenue and east of N. 14th Street)

Resolution No. PC-00881

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 23, 2004:

Motion made by Carlson, seconded by Carroll, to approve **Preliminary Plat No. 04002**, **Stone Bridge Creek 1**<sup>st</sup> **Addition**, with conditions, as amended, requested by Engineering Design Consultants on behalf of Stone Bridge Creek, L.L.C., for 311 residential lots, on property generally located south of Humphrey Avenue and east of North 14<sup>th</sup> Street. Motion for approval, with conditions, as amended, carried 8-0: Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'; Pearson abstaining.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

### Attachment

CC:

**Building & Safety** 

Rick Peo, City Attorney

Public Works

Jason Thiellen, Engineering Design Consultants

Stone Bridge Creek, L.L.C.

i:\shared\wp\jlu\2004 ccnotice.pp\pp.04002

### RESOLUTION NO. PC-00881

1	WHEREAS, Stone Bridge Creek, L.L.C., has submitted for approval the preliminary	
2	plat of Stone Bridge Creek 1st Addition, generally located south of Humphrey Avenue and ea	
3	of N. 14th Street; and	
4	WHEREAS, the Planning Director has recommended conditional approval of said	
5	preliminary plat as contained in pages 4 through 8 of the staff report prepared by Becky Horne	
6	Planner, dated May 26, 2004, which is attached hereto as Exhibit A.	
7	NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County	
8	Planning Commission that the preliminary plat of Stone Bridge Creek 1st Addition is hereby	
9	approved subject to the terms and conditions of Exhibit A which is attached hereto and made a	
10	part of this resolution as though fully set forth verbatim.	
11	The foregoing Resolution was approved by the Lincoln City-Lancaster County	
12	Planning Commission on this 23 day of June, 2004.	
	ATTEST:	
	May Sills-Strang	
	Approved as to Form & Legality:	
	And Leo	
•	Chief Assistant City Attorney	

### **PRELIMINARY PLAT CONDITIONS:**

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the site plan to show:
    - 1.1.1 All lots and outlots numbered or lettered according to the Subdivision Ordinance requirements.
    - 1.1.2 Show either a street connection or pedestrian way easement in Block 4 to the satisfaction of the Public Works and Utilities Department.
    - 1.1.3 Show revisions requested by the Public Works and Utilities Department report dated May 12, 2004.
    - 1.1.4 Remove the proposed park areas from the site plan.
    - 1.1.5 Revise the layout of the townhouse area so that the proposed private driveway and the land between the drive and the interstate is shown in an outlot. (\*\*Per Planning Commission, at the request of the applicant, 06/23/04\*\*)
    - 1.1.6 Remove reference to waivers that are not approved or necessary.
    - 1.1.7 Show earthen berms on the grading plan to the satisfaction of the Lincoln Lancaster County Health Department.
    - 1.1.8 Rename Pennsylvania Drive and Court.
- 2. The City Council approves associated request:
  - 2.1 Annexation 04001
  - 2.2 Change of Zone 04007

### General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

The Subdivision Agreement requires the owner:

to complete the street paving of the streets shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of all internal streets and along N. 14<sup>th</sup> Street and Humphrey Avenue as shown on the final plat within four (4) years following the approval of this final plat, except the sidewalks in the pedestrian way easements shall be constructed at the same time as the adjacent streets are paved.

to complete the installation of sidewalks in the pedestrian way easements shown on the final plat at the same time as adjacent streets are completed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat

to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along all internal streets and along N. 14<sup>th</sup> Street and Humphrey Avenue within this plat within four (4) years following the approval of this final plat.

to complete the planting of the landscape screen along N. 14<sup>th</sup> Street and Interstate 80 within this plat within two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to construct the sidewalk in the pedestrian way easements at the same time as adjacent streets are paved and to agree that no building permit shall be issued for construction on adjacent lots on both sides easement until such time as the sidewalk in the pedestrian way easement is constructed.

to perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Lots 98-127, Block 1, 1-22, Block 9, to N. 14<sup>th</sup> Street.

Prepared by:

Becky Horner, 441-6373, rhorner@ci.lincoln.ne.us

Planner

DATE:

May 26, 2004

### PLANNING COMMISSION FINAL ACTION

**NOTIFICATION** 

RECEIVED
JUN 2 4 2004
CITY COUNCIL

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannin

DATE:

June 24, 2004

RE

Special Permit No. 04030

(Expand nonstandard single-family dwelling at 2653 S. 11<sup>th</sup> Street)

Resolution No. PC-00878

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 23, 2004:

Motion made by Larson, seconded by Krieser, to approve **Special Permit No. 04030**, with conditions, requested by George Peterson, for authority to expand a nonstandard single-family dwelling into the required side yard setback on property located at 2653 S. 11<sup>th</sup> Street. Motion for approval, with conditions, carried 9-0: Pearson, Marvin, Krieser, Carlson, Larson, Sunderman, Bills-Strand, Taylor and Carroll voting 'yes'.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

### Attachment

CC:

**Building & Safety** 

Rick Peo, City Attorney

Public Works George Peterson

Irvingdale Neighborhood Association (2)

### RESOLUTION NO. PC-00878

### SPECIAL PERMIT NO. 04030

1	WHEREAS, George Peterson has submitted an application designated as	
2	Special Permit No. 04030 for authority to expand a nonstandard single-family dwelling	
3	into the required side yard setback on property located at 2653 S. 11th Street, and	
4	legally described as:	
5 6 7 8 9	The south 37.5 feet of Lot 7, Block 5, Van Dorn Park and the south 37.5 feet of the north 150.0 feet of the south 300.0 feet of Lot 11, Block 8, South Park Addition, located in Section 35, Township 10 North, Range 6 East of the 6 <sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska;	
10	WHEREAS, the Lincoln City-Lancaster County Planning Commission has	
11	held a public hearing on said application; and	
12	WHEREAS, the community as a whole, the surrounding neighborhood,	
13	and the real property adjacent to the area included within the site plan for this	
14	expansion of the nonstandard use into the required yard will not be adversely affected	
15	by granting such a permit; and	
16	WHEREAS, said site plan together with the terms and conditions	
17	hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln	
18	and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the	
19	public health, safety, and general welfare.	

1	1 NOW, THEREFORE, BE IT RESO	LVED by the Lincoln City-Lancaster
2	2 County Planning Commission of Lincoln, Nebras	ka:
3	That the application of George Pete	erson, hereinafter referred to as
4	4 "Permittee", to expand a nonstandard use for a s	ingle-family dwelling into the required
5	side yard setback be and the same is hereby gra	nted under the provisions of Section
6	6 27.63.540 the Lincoln Municipal Code upon cond	lition that construction of said
7	expansion be in strict compliance with said applic	ation, the site plan, and the following
8	additional express terms, conditions, and require	nents:
9	1. This permit approves the exp	ansion of a nonstandard single-family
10	dwelling into the required side yard setback for ar	addition to the house.
11	2. The expansion shall not exten	nd further into the required front yard
12	than the furthest extension of the existing dwelling	<b>j.</b>
13	3. The expansion shall meet the	height limit of the zoning district.
14	4. The use of the main structure	shall remain a single- or two-family
15	use.	
16	5. Before receiving building pern	nits:
17	a. The Permittee must su	bmit a revised site plan including five
18	copies to the Planning	Department for review and approval.
19	b. The construction plans	must conform to the approved plans.
20	6. Before occupying the addition	all development and construction
21	must conform to the approved plans.	•
22	7. The site plan, approved by this	s permit, shall be the basis for all
23	interpretations of setbacks, yards, locations of build	dings, location of parking and
24	circulation elements, and similar matters.	

1	o. The terms, conditions, and requirements of this resolution shall be
2	binding and obligatory upon the Permittee and the Permittee's successors and assigns
3	The building official shall report violations to the City Council which may revoke the
4	special permit or take such other action as may be necessary to gain compliance.
5	9. The Permittee shall sign and return the City's letter of acceptance
6	to the City Clerk within 30 days following approval of the special permit, provided,
7	however, said 30-day period may be extended up to six months by administrative
8	amendment. The City Clerk shall file a copy of the resolution approving the special
9	permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
10	paid in advance by the Permittee.
11	The foregoing Resolution was approved by the Lincoln City-Lancaster
12	County Planning Commission on this 23 day of June, 2003.
	ATTEST:
•	May Bills Stand
	Approved as to Form & Legality:

Chief Assistant City Attorney

### PLANNING COMMISSION FINAL ACTION

NOTIFICATION

RECEIVED

JUN 24 2004

CITY COUNCIL OFFICE

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannik

DATE:

June 24, 2004

RE

Preliminary Plat No. 04007 - Anderson's Place

(South of Leighton Avenue and east of N. 84th Street)

Resolution No. PC-00880

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, June 23, 2004:

Motion made by Larson, seconded by Krieser, to approve **Preliminary Plat No. 04007**, **Anderson's Place**, with conditions, requested by Brian D. Carstens and Associates on behalf of Scott Anderson, for 46 lots and one outlot, including approval of the waiver of Sanitary Sewer Design Standards, on property generally located south of Leighton Avenue and east of N. 84<sup>th</sup> Street. Motion for approval, with conditions, carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'.

The Planning Commission action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

### Attachment

cc:

**Building & Safety** 

Rick Peo, City Attorney

Public Works

Brian D. Carstens and Associates

Scott Anderson

Stephanie Karsting, Regent Heights Homeowners Assn., 7722 Yancy Drive, 68507

### RESOLUTION NO. PC-00880

WHEREAS, Scott Anderson has submitted for approval the preliminary plat of	
Anderson's Place, generally located south of Leighton Avenue and east of N. 84th Street,	
together with a request pursuant to Section 26.31.010 of the Lincoln Municipal Code to waive	
City of Lincoln Design Standards to allow sanitary sewers to flow opposite street grades; and	
WHEREAS, the Planning Director has recommended conditional approval of said	
preliminary plat as contained in pages 4 through 7 of the staff report prepared by Becky Horner,	
Planner, dated June 8, 2004, which is attached hereto as Exhibit A; and	
WHEREAS, the Planning Director has recommended conditional approval of the	
requested waiver of the City of Lincoln Design Standards.	
NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County	
Planning Commission that the preliminary plat of Anderson's Place is hereby approved subject	
to the terms and conditions of Exhibit A which is attached hereto and made a part of this	
resolution as though fully set forth verbatim.	
BE IT FURTHER RESOLVED that the Lincoln City-Lancaster County Planning	
Commission finds that the tract to be subdivided is surrounded by such development or unusual	
conditions that strict application of the subdivision requirements would result in actual difficulties	
or substantial hardship and the following modifications to the City of Lincoln Design Standards	
are hereby approved:	
1. The requirement of Section 3.6 of the Sanitary Sewer Design Standards	
that the slope of the sanitary sewer should parallel the slope of the street is waived to allow the	
construction of sanitary sewer running opposite street grades as shown provided that the	

maximum depths for sanitary sewer mains are not exceeded as a result of this wavier.

1	The foregoing Resolution was approved by the Lincoln City-Lancaster County
2	Planning Commission on this 23 day of June, 2004.
	ATTEST:
	May Bolls Hand Chair
	Approved as to Form & Legality:
	Chief Assistant City Attorney

PAGE NO. 4

### **CONDITIONS:**

### Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Remove the requested waiver of sidewalks along N. 84th Street.
    - 1.1.2 Revisions to the satisfaction of the Public Works and Utilities Department in the report dated June 8, 2004.
- 2. Associated requests are approved:
  - 2.1 Annexation #04002
  - 2.2 Change of Zone #04011
  - 2.3 Special Permit #04009
  - 2.4 An exception to the design standards to allow sanitary sewer to flow opposite street grades.

### General:

- 3. Final Plats will be approved by the Planning Director after:
  - 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of Leighton Avenue, N. 86<sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> Streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of , N. 86 <sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> Streets and along the south side of Leighton Avenue and the east side of N. 84<sup>th</sup> Street as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainage way improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights along Leighton Avenue, N. 84<sup>th</sup>, Garland, Colby and N. 87<sup>th</sup> Streets within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along N. 86<sup>th</sup> and Garland Streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along Leighton Avenue, N.  $84^{th}$ , Garland, Colby, N.  $86^{th}$  and N.  $87^{th}$  Streets within this plat within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control s edimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and special permit.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Lots 4 and outlot A to N.  $84^{\text{th}}$  Street.

to post the required security to guarantee completion of the required improvements if the improvements are not competed prior to approval of the final plat.

Prepared by:

Becky Horner, 441-6373, <u>rhorner@ci.lincoln.ne.us</u> Planner

DATE:

June 8, 2004



Lincoln-Lancaster County Personnel Department Don W. Taute, Director 555 South 10th Street Rooms 201 & 107 Lincoln, Nebraska 68508

402-441-7597 fax: 402-441-8748 LANCASTER



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

June 23, 2004

JUN 2 4 2004 CITY COUNCIL OFFICE

Mr. John O'Brien 5435 W. Butler Ave. Lincoln, NE 68524

RE: Your Letter Dated June 9th, 2004

Dear Mr. O'Brien:

I received your June 9<sup>th</sup> letter on June 14<sup>th</sup> and have now had the opportunity to review what is outlined therein.

In response to the items addressed in your letter, I have enclosed at your request a copy of a memo I received from Larry Worth regarding what occurred at our March 16<sup>th</sup>, 2004 meeting in response to your first letter.

With respect to the specific items outlined in your June 9<sup>th</sup> letter, I feel it is necessary to remind you that a couple of items that I remember discussing quite thoroughly at the March 16<sup>th</sup>, 2004 meeting addressed following chain of command with regard to issues that you had with management and how they should be first handled at the StarTran management level before involving this department, the City Council or the Mayor's Office. As I review your letter it is quite clear that a number of the items you address have not been raised with management regarding a resolution of the concerns. Specifically you make reference to a perceived inappropriate use of the City's e-mail system however, there is no indication that you brought that matter to the attention of either Mr. Weston or Mr. Worth before bringing it to my attention.

I again want to emphasize to you that if there are concerns which arise within the department it is necessary for you to first address those items at the department level. It is not the function of the Mayor's Office, City Council or this office to micro-manage the daily operations of StarTran, let alone any other department of City government. Managers of StarTran are responsible for the day-to-day operations of the StarTran facility, and should there be issues with their management of the operation, those should be addressed first at the StarTran level and then at the Director level should a satisfactory resolution not be reached.

Letter to Mr. John O'Brien

June 23, 2004

RE: Your Letter Dated June 9th, 2004

Page 2

Therefore, it is my suggestion that you first address the concerns raised in your letter with the appropriate management level staff at the StarTran facility before this office considers embarking on a time consuming investigation of the issues raised in your letter. If you feel it is necessary to by-pass StarTran management, you should make arrangements to meet with Allan Abbott to discuss your concerns.

Sincerely,

Don W. Taute,

Personnel Director

#### Enclosure

cc: Mayor Seng

Larry Worth

Allan Abbott

Terry Werner, City Council

Ken Svoboda, City Council

Jon Camp, City Council

Glenn Friendt, City Council

Annette McRoy, City Council

Les Helms

Dt3162D



To:

Don Taute - Personnel

From:

Larry Worth - StarTran

Date:

March 19, 2004

Subject:

Summary of 3/16/04 Staff Issues Meeting

The following represents my recall of major acknowledgments/agreements resultant from the March 16, 2004 meeting at which several staff issues were addressed...

Attendees: Jim Landers, Sue Agena, Mike Weston, Don Taute, Les Helms, John O'Brien, and Larry Worth

- Procedures for addressing issues/concerns by staff reviewed by Taute (i.e., follow departmental "chain of command" before contacting Personnel Dept, Mayor, etc), affording opportunity for appropriate supervisors to be aware of issues/concerns and to address such.
- O'Brien summarized concern that Weston had directed operations supervisors/dispatchers to not utilize him as a part-time supervisor based on reports from two supervisors that he had verbally indicated his intent to "target" certain drivers and his intent to resign his part-time supervisor position. O'Brien had some months ago, asked Weston for a meeting of himself, Weston, and the supervisors to address Weston's decision, and the reports of the two supervisors, but no such meeting had been set. Agena stated her recollection of O'Brien indicating his intent to resign, and Landers stated his recollection of O'Brien stating his intent to "target" drivers. O'Brien, Landers, and Agena discussed the statements, with resolution that the context and intent of such statements may vary between them. Weston acknowledged his directive, and his intent to schedule a meeting, which had not occurred. Weston, on reflection, agreed that he should have immediately contacted O'Brien regarding his statements in order to address those concerns/issues, and should have not let this situation drag on for several months with no resolution, and that he would, in the future, communicate with O'Brien, or whoever, in a more direct and quicker fashion.
- Weston explained that, in response to O'Brien's concern, additional part-time supervisors were secured in response to changes in ATU-contract language regarding the utilization of part-time supervisors.
- Regarding O'Brien's reporting of inappropriate behavior by Weston when addressing a rumor
  with two drivers, Worth indicated that he had investigated the incident by interviewing the two
  subject drivers and a supervisor who witnessed the proceedings. He determined that Weston's
  actions were not inappropriate.
- O'Brien described a recent incident of Weston "brushing" him, and not acknowledging him when in the StarTran ready room. Weston did not recall the incident, but apologized anyway, noting that he attempts to acknowledge staff by spending considerable time in the dispatch area.
- Taute summarized, noting that O'Brien is an active part-time supervisor, available for call by supervisors to fill-in for them. Taute also acknowledged Weston's agreement that such issues would be addressed expediently in the future, and noted that such issues would need to be addressed through the departmental "supervisory chain-of-command" in the future.



# EASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

### PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: June 21, 2004

FOR MORE INFORMATION: Kelly Sieckmeyer, Engineering Services, 441-7454

Wayne Teten, Antelope Valley Manager, 441-4939

## LANE CLOSURES ON VINE STREET EXTENDED

As part of the Antelope Valley Project construction, lane closures on Vine Street will be extended this week. The north two lanes of Vine have been closed from North 17th to North 26th streets. Beginning at 9 a.m. tomorrow, Tuesday June 22, the north two lanes of Vine also will be closed from 26th to 28th streets.

Two-way traffic will be maintained on the south two lanes of Vine. All left turns at the intersection of 27th and Vine streets will be prohibited.

The closures are necessary for the installation of utilities and paving. Other improvements planned in the area include sidewalks, retaining walls, landscaping, a center-turn lane and ornamental lighting. This work will require lane closures throughout the summer. The speed limit will remain at 25 miles per hour.

Work on the intersection of 27th and Vine streets is expected to begin early next month. The intersection improvements, which include upgrading the pavement and traffic signals and lengthening the left-turn lanes, are scheduled to be completed by mid-August.

The Antelope Valley Project includes transportation improvements, stormwater management and community revitalization. Partners in the Antelope Valley Project are the City of Lincoln, the Lower Platte South Natural Resources District and the University of Nebraska-Lincoln. A map and other information is available on the City web site at lincoln.ne.gov. Information can also be obtained by leaving a message at the Antelope Valley Hotline at 402-458-5999.





## NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

NEBRASKA

PUBLIC WORKS AND UTILITIES DEPARTMENT

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

FOR IMMEDIATE RELEASE: June 21, 2004

FOR MORE INFORMATION: Scott Opfer, Engineering Services, 441-7851

## INTERSECTION OF 8TH AND "O" TO BECOME FOUR-WAY STOP

Because of growing vehicular and pedestrian traffic, four-way stop signs will be installed this week at the intersection of 8th and "Q" streets in the Haymarket. The installation is expected to be completed by Friday, June 25, weather permitting.

The City Public Works and Utilities Department will install larger and brighter stop signs as well as new pavement markings to assist motorists. Drivers and pedestrians are encouraged to use extra caution at this intersection.

- 30 -



#### RECEIVED

### JUN 23 **200**

## CITY COUNCIL

#### INTEROFFICE MEMORANDUM

TO:

Mayor Seng

FROM:

Clinton W. Thomas

DEPARTMENT:

City Council Office

& City Council Members

DEPARTMENT:

Real Estate Division

ATTENTION:

DATE:

June 22, 2004

COPIES TO:

Joan Ross

SUBJECT:

Vacation of South 49th Street: Prescott

to Lowell

Marvin Krout

Dana Roper Byron Blum

This is an update to my June 4<sup>th</sup> letter regarding this same subject. At the time that letter was written, I overlooked the fact the petitioner would be required to post a bond in the amount of \$9,000 for the removal of street returns at Lowell and Prescott Avenues. There is also a requirement for the installation of street trees along Lowell and Prescott Avenues. These amount should be deducted from the estimated value of the street and alley right-of-way. The new calculations are as follows:

Area encumbered by utility easements

1,170 sq. ft.

X \$1.15/ sq. ft.

\$12,730,50

called

\$12,700.00

Unencumbered area

\$40,000.00

Less removal and replace of street and alley returns

(\$9,000.00)

Less installation of street trees

(\$1,700.00)

TOTAL

\$42,000.00

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owner for \$42,000.

Respectfully submitted,

Clinton W. Thomas

Certified General Appraiser #990023

dge

June **1** 2004

Lincoln City Hall 555 South 10<sup>th</sup> St. Lincoln NE, 68528



#### Dear Council Members:

The objective of this letter is to notify all of the Lincoln Council Members that action on all of the following items must be put in place:

- The police department must place stronger enforcement on red light runners.
- Sidewalks, which are now in poor condition throughout the city, must be repaired. There is vegetation overhanging the sidewalk, making it nearly impossible for pedestrians to use them, a perfect example is on South 20th Street between Higher and Calvert Street. Additionally on South 27th Street between Highway Two and "O" Street there are retaining walls falling apart and obstructing the sidewalks to pedestrians.
- The Star Tran as well as the streets that the Star Tran uses (Route Six, Route Eight, Route Fifteen, Route Thirteen, Route Sixteen, Route Three, Route One, etc.) are in very poor condition. I suggest that each council member take a ride on Route Six and experience the poor conditions for yourself; they need to be fixed immediately. Star Tran passengers are very shaken and many refuse to ride the Star Tran due to the poor conditions. As a result, maintenance cost has increased, which have further decreased the number of passengers.

To conclude, I will propose this; you have thirty days to follow through with the above requests. If no action has been taken within thirty days recall petitions will be filed on each one of the Line a City Council Members,

Sincerely,

C.W. Swingle

2800 Woods Blvd. #802

Lincoln, NE 68502



To: "Dave Shoemaker" <davshoemaker@neb.rr.com>

cc: <council@ci.lincoln.ne.us>

Subject: Re: Smoking

Dear Mr. Shoemaker: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office 555 South 10th Street Lincoln, NE - 68508 Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

r.com>

"Dave Shoemaker" <dayshoemaker@neb.rr.com>

RECEIVED

JUN 2 1 2004

CITY COUNCIL OFFICE



"Dave Shoemaker" <dayshoemaker@neb.r

To: <council@ci.lincoln.ne.us>

cc:

Subject: Smoking

06/21/2004 10:15 PM

You already know my opinion on the smoking ban, but did you know that even the Governor or this fine state also supports that " these decisions should be made by the private sector"

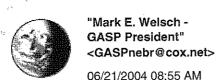
I am making an appointment today with the Health Department to advise me as to what I should do to be in compliance with your smoking ordinance.

I am again asking you to Let the public decide, if they don't want to work or eat in a smoking establishment then they can go elsewhere.

If nothing else please extend the deadline so we are able to comply with your final decision.

Thank You Dave Shoemaker Shoemaker's Truck Station 4800 West "O" Street Lincoln, Ne

\*Council! City
Cherk Sour Boss
specerud on leta 1/a1.
Tilo.



To: <iray@ci.lincoln.ne.us>
cc: "Mike Salkin - GASP VP" <mikesalkin@tconl.com>
Subject: Letter for Public Hearing on Non-Smoking Ordinance

JUN 2 1 2004 CITY COUNCIL OFFICE

Dear Joan.

Would you please see that all of the City Council members get a copy of this message? Unfortunately, I will not be able to attend today's public hearings on this issue.

GASP would like this letter to be "read into the record" or made a part of the official public comments by reference, during the public hearings on the smoke free ordinance today.

Thank you, Mark Welsch, President GASP of NE, Inc. 402-558-0463

Dear City Council Members,

\* Corneil & City Clark Jam Doss reserved on 6/21/04.

The news reports tell us that some of you want to change the ordinance that is scheduled to take effect on July 1, 2004 in these ways:

- 1. Allow babies and children into smoky bars and other smoky businesses.
- 2. Delay the implementation of the original ordinance by another four months. You have already delayed the start date by six months.
- 3. Add a permit for businesses that want to allow smoking.

I hope a majority of you cares enough about the health of the children in Lincoln so you will not change the ordinance to allow babies to be taken, by uninformed or uncaring parents and other adults, into smoky bars and other smoky businesses.

Please do not delay implementation of the smoke free ordinance.

On Sunday, June 13, I read the Lincoln Journal Star story about the possible delay in enforcing Lincoln's smoke-free ordinance. I was shocked. It said some City Council members want to allow minors, including infants, to be taken into very smoky bars. Don't you care about these children's health? You defined bars as places where a lot of liquor is sold and smoking could be allowed.

Babies and children do not belong there.

The City Council has already delayed the normal implementation of the ordinance by six months. It should have taken effect on Jan. 6. Why do you want to stretch that to 10 months - almost a year? Everyone has had six months to get ready for this important public health ordinance. Local businesses should be ready to comply and the health department and police should be ready to enforce the law.

If the City Council wants to protect the public, you will allow the current ordinance to take effect on July 1, 2004, as originally planned. If you want to add a permit process to it, to make enforcement easier, you should do so. The permit should stand alone, and not slow the implementation of the ordinance.

Many people who work in smoky bars, restaurants and other businesses continue to get lung cancer, heart attacks, asthma, emphysema, strokes, lung infections and many other diseases only because they work in smoky businesses. In these difficult economic times, finding a new job in a safer work environment is often not possible.

If you do not change the ordinance, most currently smoky businesses will become smoke-free on July 1. Citizens can call or write the health department when they think they see a violation of the ordinance. The health department could easily keep a master list, on the Internet, of the businesses that they know are legally allowing smoking.

After July 1, I pledge to never step into a Lincoln restaurant or bar that allows smoking. I hope you will join me.

Respectfully, Mark E. Welsch, President

GASP (Group to Alleviate Smoking Pollution) of Nebraska Inc., Omaha

5611 Howard Street

Omaha, NE 68106-1257

402-558-0463

GASPnebr@cox.net

www.SmokeFreeNebraska.org

PS: What ever happened to the idea that some of you were talking about - to change another

ordinance to make in-home day cares and foster homes, smoke free?

Mark

###



6-17-04

Councilman Terry Werner 555 S. 10th St Lincoln, NE 68508

Dear Councilman Werner,

The Lancaster County Democratic Party (LCDP) is interested in helping to establish a code of ethics for the city. As you are most likely aware a code of ethics is required in the city charter and the city council voted to create a committee on forming the code of ethics.

We believe that a code of ethics is something that should easily be supported by both Democrats and Republicans. While we do not believe that there are any ethical problems in the city government, but it would be prudent to have a code of ethics in place just in case. The recent problems with Lorelee Byrd and the State Treasurer's office show why having a code of ethics in place would help reassure the public that their elected officials are taking actions to make sure something like that doesn't happen again.

The LCDP would like to see the committee on the code of ethics be formed as soon as possible. I would note that it was voted to form a committee almost two years ago and no action, to our knowledge, has yet been taken. The LCDP would be willing to offer any help that we can to get the ball moving on this issue.

We would be interested in hearing from you about this topic. You would be welcome to attend our next issues committee meeting to discuss a code of ethics on Monday July 12<sup>th</sup> at 5:30pm; at the Nebraska Democratic Party Office, 633 South 9<sup>th</sup> St, Ste 201. If you cannot attend please feel free to e-mail me at <a href="mailto:thomasallangreen@yahoo.com">thomasallangreen@yahoo.com</a>, or call me at 580-3341 if you would like me to pass on a statement to the full committee.

Sincerely,

Thomas A Green

Issues Committee Chair

The ach

Lancaster County Democratic Party



Peggy Struwe <pstruwe@uninotes01. uni.edu>

06/22/2004 01:25 PM



To: ckielty@neb.rr.com, CKielty@ci.lincoln.ne.us, jstruwe@neighborhoodsinc.org, pburn82639@aol.com, victoria@cooperfoundation.org, timdfrancis@aol.com, imcarter@consumleg.com, imcarter@libertygospel.com. connersAA@aol.com, dlandis@unicam.state.ne.us, Lois.Leapaldt@alltel.com, tuland@neighborhoodsinc.org, rachelmurravusa@netscape.net, betsvlue.tolliver@us.armv.mil. dwsfish@aol.com, WalteRinne@rediellyfish.net, cq42107@navix.net, dennis@mathiaslink.com, dmvdumas@yahoo.com, cdumas@lps.org, dmcgee@lancjes2.ci.lincoln.ne.us, llenz@lps.org, darvllenz@hotmail.com, darvl.lenz@Pfizer.com, astone59@earthlink.net, astone@lps.org, cityimpact@lnebraska.com, PatteNewman@neb.rr.com, slarrick1@unl.edu. deisloeffel@neb.rr.com, little-red-hen@juno.com, kkad25@cox.net. ilvidlak@inetnebr.com, Remalone36@aol.com, janomt@juno.com, kabourezk@journalstar.com, whjermstad@ci.lincoln.ne.us, dmichael@ci.lincoln.ne.us, ezimmer@ci.lincoln.ne.us, lpd429@ciis.ci.lincoln.ne.us. council@ci.lincoln.ne.us. jwiebel@juno.com, dwiebel@juno.com, LorenDavid@aol.com, horvick@bigred.unl.edu, "Robert Ripley Country Club NA" <bri><bri>description 
chripley@notes.state.ne.us>, "Nancy Ericson" 
revnje@yahoo.com>, judyswenson@navix.net, ssailors@madonna.org, hna@ninthorder.com, mlarsona@unlnotes.unl.edu, Barbara.Layman@us.army.mil, graceumcfm@yahoo.com, "jmehrens" <jmehrens@neb.rr.com>, slarrick1@msn.com

CC:

Subject: Fw: Mayor Seng's State of the City Message - June 28, 2004 - 3:00 p.m.

FYI

#### Peggy Struwe

---- Forwarded by Peggy Struwe/IS/UNL/UNEBR on 06/22/2004 01:18 PM ----

#### DEngstrom@ci.lincoln.ne.us

To dengstrom@ci.lincoln.ne.us

06/22/2004 01:17 PM

CC

Subject Mayor Seng's State of the City Message - June 28, 2004 - 3:00 p.m.

Below is your invitation to Mayor Seng's State of the City Address. Please distribute this email to members of your board and organization.

Debbie Engstrom
Executive Assistant/Scheduler to Mayor Coleen Seng
402-441-6897
dengstrom@ci.lincoln.ne.us

You are invited to attend the State of the City Message by Mayor Coleen J. Seng

Monday, June 28 at 3:00 p.m. in the Council Chambers County-City Building 555 South 10th Street

The Mayor's Budget will be presented after the State of the City Message. Refreshments will be served immediately following the budget presentation at the Mayor's Office.

If you have questions, please call the Mayor's office at 441-7511.



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov

To: General Council <council@lincoln.ne.gov>

cc:

Subject: InterLinc: Council Feedback

06/22/2004 04:10 PM

InterLinc: City Council Feedback for

General Council

Name:

Bob Valentine

Address:

2660 Park Avenue Lincoln, NE 68502

0.202.

•

Phone:

430 1500

Fax:

436 3399

Email:

ryv@neb.rr.com

Comment or Question:

PLEASE PLACE THIS EMAIL IN THE OFFICIAL INDUSTRY RECRUIT FILES OF THE CITY OF LINCOLN!

The Angelou consultants tell Lincoln to work harder to grow industry. The Chamber spends a lot of money to attract jobs. The Mayor's office spends a lot of money to create jobs. The Governor travels around the world to expand jobs. Dozens of bureaucrats work daily to attract business to Lincoln and to Nebraska. Then, Dick Cheney comes back for a visit to his hometown. He goes to see his boyhood home in South Lincoln. "This is the first place I called home," he says. Lucky us! Dick Cheney knows just about every business and government leader in the world. Did we ask him for help to attract new jobs to Lincoln? Did we praise him as a favored son of Lincoln? Did we ask him for the names of his business contacts to help us? Did we rename our fledgling technology park in his honor to encourage him to send industry and jobs to Lincoln? No, the Mayor presented him with a \$32,000 bill instead. Welcome home, Dick! I am sure you will come back soon!

Bob Valentine

2660 Park Avenue

Lincoln, NE 68502

ryv@neb.rr.com

430 1500

FECEIVED JUN 22 2004 CITY COUNCIL OFFICE

AECEIVE.

JUN 2 5 2004

GTY CUUNCA. OFFICE

June 23, 2004

Editor/Lincoln Journal Star P. O. Box 81689 Lincoln, NE 68501

Dear Editor,

After reading the comments of our mayor and several others about the bill left behind by Vice President Cheney's visit to Lincoln, I am embarrassed to have them as my representatives. We all should feel honored that our country's second in command visited our city, his boyhood home, for <u>any</u> reason.

Can we just put aside the partisanship for once? If not, maybe Mayor Seng should also calculate the income Lincoln and Nebraska received from airport, car rental, hotel, sales, fuel and other taxes. How about the business received by our local businesses and the tax they will pay on that?

Mayor Seng, I am sorry your glass is "half empty", I feel Lincoln's glass is "half full" and the best is yet to come if the right attitude can emanate from your office.

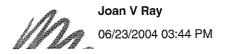
Sincerely

Robert W. Beck

P. O. Box 6014 Lincoln, NE 68506

cc Mayor Coleen Seng Terry Werner





To: JBDJWK@aol.com cc: Council@ci.lincoln.ne.us

Subject: Re: Smoking ban...ideas generated by Monday's meeting and testimony

Dear J. Karst: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office 555 South 10th Street

Lincoln, NE - 68508 Phone: 402-441-6866

Fax: 402-441-6533 e-mail: jray@ci.lincoln.ne.us

JBDJWK@aol.com

RECEIVED

JUN 23 2004

CHY WWW.



JBDJWK@aol.com

06/23/2004 03:43 PM

To: Council@ci.lincoln.ne.us

CC:

Subject: Smoking ban...ideas generated by Monday's meeting and testimony

Dear City Council Members,

The physician who spoke on behalf of the American Cancer Society cited two more cities which have adopted smoking bans since your original vote last year: Lawrence, KS and Lexington, KY...Lawrence will begin implementing the ban in July; Lexington's went into effect in May, 2004...

The Kentucky Supreme Court ruled that the county health department can enforce the ban, but gives offending individuals and businesses the right to appeal in a jury trial. As of 6/2, there have been 179 complaints received, and eleven citations issued. The Health Department in this city of 250,512 souls has added to its staff eighteen environmentalists who've been sworn in as citation officers to assist in enforcement of the ban.

Where do the revenues generated by the ban (permit fees, fines, etc.) go? Has our health department increased its enforcement personnel yet? From where will that funding come? I hope that you all have also given consideration to the "chain of enforcement," which, from what I gathered at Monday's meeting, begins and ends with the health department. It seems to me, in our democracy of checks and balances, there should be a neutral party of adjudication involved somewhere...(Even alleged murderers and drug dealers have protections in place, with counsel provided at no cost, if needed, in our society.)

RE: The eighteen-year old component of the ban...I know that there are several of you who are agonizing over this...If protecting our City's youth from the negative effects of smoking is one of your priorities as Council Members, I would urge you to use your positions to urging enforcement of existing laws. Allocate additional funding or bring pressure to bear on our Police department to address smoking near or on school grounds by those of our youth (some of whom are very young) who are actually smoking!

In April of this year, a U.S. Federal Court in New York found the smoking ban there to be lawful, but acknowledged that the belief that secondhand smoke (ETS) is harmful to non-smokers "may not enjoy unanimous support in the scientific and medical community. Nor is every finding that ETS poses health risks immune from legitimate questioning and criticism. Indeed, the Court cannot rule as a matter of law that...various reports and studies...to support the contention tht ETS is not materially harmful to non-smokers are wholly without merit or are not sufficiently credible. Conceivably, all of [this] documentation...might be relevant under a strict scrutiny standard."

If you care about "the children," please do what you can to enforce existing laws prohibiting their smoking...Many of our youth who take up the filthy habit do so at/near school, away from their parents' watchful eyes...

Thank you all for your hard work to do what is right for the City and its inhabitants in this matter!

Jan Karst





RECEIVED
JUN 2 4 2004

CITY COUNCIL

Chamber of Commerce

June 23, 2004

Lincoln City Council 555 South 10<sup>th</sup> Street Lincoln, NE 68508

RE: State Fair

Dear City Council,

The Lincoln Chamber of Commerce is pleased the City Council will be taking up a Resolution to support Amendment #4, which provides a portion of state lottery proceeds to support the Nebraska State Fair.

We wish to lend our support to this proposed resolution and commend the City Council and Mayor for their continued support of the State Fair. I am enclosing a copy a Lincoln Chamber resolution supporting Amendment #4, which was recently passed unanimously by our Board of Directors.

We urge your continued support for the State Fair and Amendment #4.

Sincerely,

Bruce J. Bohrer

Buce J. Bohn

Senior Vice-President / Governmental Affairs Counsel

Enc.



PECEIVED

JUN 2 4 2004

CITY COUNCIL

OFFICE

#### Resolution on State Fair Constitutional Amendment

Whereas the Lincoln Chamber of Commerce provided direct lobbying and grassroots support for LR 209 CA during the 2004 Legislative Session, which was enacted by the Legislature to allow the people of Nebraska to vote on state support for the Nebraska State Fair; and

Whereas the Lincoln Chamber of Commerce recognizes the positive statewide and localized economic benefits of the State Fair; Supports maintaining and building upon the tradition of the State Fair, which helps keep Nebraskans connected to one another and to our state's heritage; Supports the dedicated and professional staff of the State Fair and the Nebraska State Fair 1868 Foundation, and believes state support is necessary for the opportunity to have a successful State Fair.

NOW, THEREFORE, be it resolved that the Lincoln Chamber of Commerce lends full support to Amendment 4, which will be on the November General Election ballot to provide a portion of state lottery proceeds be dedicated to the State Fair.

Adopted Unanimously 6/10/04

## GET HUNDE Dut OF DUR

\*\* We apologize, at this time the Doulton Water Filter
Plus is only available to readers within the
continental United States.

"How does the government help big industry get rid of millions of tons of toxic waste? Easy. They add it to your drinking water!"

FECEIVED

JUN 2 4 2004

CITY COUNCIL

OFFICE

"I'm going to tell you the terrible truth behind the fluoride myth - and show you the most effective, economical way to protect yourself and your family from its potentially harmful effects."

Dear Friend and Health Reader,

Everyone knows that fluoride is good for you. I mean, we've been told our whole lives that it prevents tooth decay, haven't we? Heck, that's the reason the government fluoridates nearly all the public water in this country, right? Wrong.

Make sure you're sitting down as you read this, folks, because the real reason the government treats our drinking water with fluoride is absolutely horrifying. The far-reaching health consequences of fluoride ingestion are, too (and that's not to mention the chlorine, lead, sediment, and single-celled parasites that are in most public water). Keep reading to discover just what you're up against.

As if lead, chlorine and parasites aren't enough to contend with, they've been adding rat poison to your tap water, too...

Fluoride was one of the most common pollutants

recognized. In that era, both air and water-borne fluoride poisoned plants, animals, and people by the thousand. A by-product of copper, iron and aluminum manufacturing, fluoride could only be legally disposed of by selling it for use as an insecticide and a rat poison.

The problem was that there weren't enough rats and bugs in the whole country to exhaust even a fraction of the supply of fluoride.

This presented serious problems for public health - problems the government would be forced to contend with at the expense of a roaring industrial economy. So when a connection was made in the 1930s between fluoridated water and the prevention of tooth decay, both government and big business were euphoric...

It didn't seem to matter to anyone that the findings were from a study funded by one of the nation's biggest aluminum manufacturers!

What's the government's solution to pollution? Dilution.

Once this sham research "proved" that small amounts of fluoride were safe - even beneficial - public water fluoridation became an instant solution to the fluoride over-supply, not to mention the threat of costly fluoride-poisoning lawsuits, government regulation of profitable industries, and billions in pollution control and clean-up costs. Convenient, huh?

Almost overnight, every fluoride-producing industry (and their willing co-conspirators in our hallowed halls of government) began shouting for fluoridation, citing the desperate need to preserve the smiles of children all across the fruited plain. It was the perfect public health PR scheme - but it may yet prove to be the most horrifying act of deception ever foisted upon citizens by their government.

There's only one way I know of to protect yourself

against fluoride and other harmful toxins in our public water supply: The Doulton Water Filter Plus. Keep reading to find out more about the fluoride fallacy - and how the specially designed Doulton Water Filter Plus can help you avoid the risks.

The fluoride menace - and the dental myth we've all been programmed to accept...

The idea of public water fluoridation was once widely embraced in Europe, but has been banned on the evidence in Scotland, Sweden, The Netherlands, Germany, and France, among others. Interesting, isn't it? Now, in Western Europe, the only places that fluoridate their water are those few small cities still engaged in testing of the process.

Here in the U.S., the downsides of fluoridation are becoming more evident with every passing year, yet our elected officials continue to aggressively promote and expand fluoridation programs. But the blunt fact of the matter is that fluoride has been associated with many severe health problems, including (but not limited to):

Cancer. Several studies link fluoride with as many as 10,000 cancer deaths per year, yet profluoride agencies consistently deny or attempt to refute these findings. One decade- long study showed significantly more cancer deaths in the 10 largest fluoridated cities compared to the country's ten largest non-fluoridated cities.3 Other research showed a significantly higher incidence of bone cancer among men exposed to fluoridated water compared to those who were not. Some of this data is from government sources, but are they acting on it? No.

**Alzheimer's.** In tests on laboratory animals, fluoride has been shown to enhance the brain's absorption of aluminum - the very substance that's found in the brains of most Alzheimer's patients.4 Coincidence? I don't think so.

Osteoporosis. The results of three studies that appeared in The Journal of the American Medical Association linked hip fractures and fluoridation. Once thought to build denser bones and prevent many types of fractures associated with osteoporosis, reports show that those given fluoride to treat the disease actually endured more non-vertebral fractures.5 Today, the U.S. hip-fracture rate is the highest in the world. It doesn't take a genius to figure out why.

Skeletal Fluorosis. Excessive fluoride can damage the musculoskeletal and nervous systems, leading to limited joint mobility, ligament calcification, muscular degeneration and neurological deficits. Millions in Asia have developed the disease from drinking naturally fluoridated water.6 Though rarely diagnosed in the U.S, the actual prevalence of the disease is unknown because most doctors in this country may not even know how to detect it.

Fluoride Poisoning. The Center for Disease Control (CDC) has several incidents on record of excessive levels of airborne or water-borne fluoride sickening or killing people and animals. In one instance, a New York Indian reservation's herd of cattle was all but destroyed by fluoride and other industrial pollutants, causing much hardship and prompting a massive lawsuit against nearby aluminum manufacturers Reynolds and Alcoa.7 Of course, it was settled out of court.

In addition to these serious diseases, fluoride has also been linked to brain damage, genetic mutations, and a whole host of gastro-intestinal problems. It's a serious poison, and its long-term health effects may never be fully realized. But what's really ironic is this: fluoride doesn't even prevent cavities!

Does fluoride help your teeth?
Yeah, and smoking is good for your lungs, too!

In the mid-80s, the largest study ever conducted

on fluoridation and tooth decay was performed, using data from 39,000 school children in 84 areas around the country. The results showed no statistically significant difference in rates of tooth decay between fluoridated and non-fluoridated cities.8 Surprised? I'm not.

But that's not all. A 1989 study by the National Institute for Dental Research concluded that 12% of children living in areas artificially fluoridated at just 1 - 4 ppm (part per million) developed dental fluorosis, a permanent discoloration and brittling of the teeth.9 Yep, fluoride's great for your pearly whites!

Even toothpaste makers are starting to wise up. Think about it - when was the last time you heard a toothpaste ad singing the praises of fluoride? So why is it still the main ingredient in most brands of dentifrice? Because aside from fluoridation, the toothpaste industry remains one of the biggest channels for disposal of excess fluoride, that's why.

Any faucet not hooked up to a

Doulton Water Filter Plus should have
this label on it:

WARNING - Harmful if swallowed

Folks, the bottom line is this: There's no benefit whatsoever to the fluoridation of public water that justifies enduring its severely negative effects on our health. But since the government and big business are burying all of the evidence under a mountain of pro-fluoride propaganda, we're left with no alternative but to filter it out for ourselves.

But fluoride isn't the only thing in our public water that can cause us major harm, or even death. Aside from fluoride, we contend with these hazards every time we turn on the faucet:

 Chlorine. Added to more than half of the country's water, chlorine kills most bacteria but leaves the most harmful single-celled



Mothers Against Drunk Driving MADD Nebraska State Office 800 South 13th Street Lincoln, NE 68508 1-800-444-MADD staff@maddnebraska.org

June 23, 2004

Bob Logsdon Chairman, Liquor Control Commission 301 Centennial Mall South, 5<sup>th</sup> Floor Lincoln, NE 68509-5046 PECEIVEL
JUN 2 4 2004
CITY COUNCIL
OFFICE

Dear Commissioner Logsdon,

MADD has not received any information about the commission's future actions with regard to the loophole in the liquor control statute. After discussing the constituent concern brought to my attention by community members with you at the last hearing of the Liquor Control Commission, MADD has yet to receive any explanation about the actions the commission is planning to take.

MADD would appreciate a response as to what actions the commission plans to take. As previously stated at the commission meeting, MADD would be more than willing to assist in whatever avenue is necessary to change the liquor control statute language if this is the appropriate action.

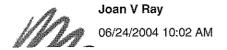
Thank you for your attention to this important matter. I look forward to hearing from you.

With respect,

Simera Reynolds, M. E.d. State Executive Director

SR:adh

cc: Governor Mike Johanns Lincoln City Council Lancaster County Commissioners Hobert B. Rupe, LCC Executive Director



To: "A. C. Thayn" <arlent101@hotmail.com>

cc: <council@ci.lincoln.ne.us>

Subject: Re: public smoking ban proposal

Dear Citizen Thayn: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office 555 South 10th Street Lincoln, NE - 68508 Phone: 402-441-6866

Fav. Z

402-441-6533

e-mail: iray@ci.lincoln.ne.us

"A. C. Thayn" <arlent101@hotmail.com>

JUN 2 4 2004 CITY COUNCIL OFFICE



"A. C. Thayn" <arlent101@hotmail.co To: <council@ci.lincoln.ne.us>

CC

Subject: public smoking ban proposal

06/24/2004 09:48 AM

#### Members of the City Council:

This has been a very difficult issue with the smoking ban and it has been as frustrating for the general public as I can only assume that it has been for you. The main concern is that after having decided this issue 6 months ago that it is still being discussed with changes in mind. The most disheartening is the statement that it will go into affect in July while enforcement will not start until 4 months later. ??? My bigger concern is the fallout for the businesses that intend to comply with the original mandate.

Since you are stating that you may not enforce this ban for 4 months you have in effect created more of an adversarial environment for the businesses in Lincoln by making them choose between their smoking and non-smoking guests. This in itself will create more unfairness which was a corner stone for a mandate that was equitable for all businesses. Why would you treat the businesses in this community that try to adhere to the wishes of the people and the city council this way? After knowing for 6 months that this ban would take affect I can only ask what will an additional 4 months accomplish?

A.C. Thayn 464-3026



## ADDENDUM TO DIRECTORS' AGENDA MONDAY, JUNE 28, 2004

- I. MAYOR NONE
- II. CITY CLERK NONE
- III. CORRESPONDENCE
  - A. COUNCIL REQUESTS

#### ANNETTE McROY

1. Response Letter & pictures from Polly McMullen, President Downtown Lincoln Association to RFI#151 received on 6/25/04 - RE: An area that is being utilized as a garbage and brush storage collection point for the DLA-area directly East of 610 G St. - (See Response)

#### B. DIRECTORS AND DEPARTMENT HEADS

#### CITY ATTORNEY'S OFFICE

1. Response Letter from Dana W. Roper, City Attorney to Danny Walker - RE: The Beutler contract which is found at the 2:15:29 mark of the June 21<sup>st</sup> Council Meeting - (See Letter)

#### C. MISCELLANEOUS

- 1. E-Mail from Mary Wit RE: Against the proposed tax on workers who come into the City, believe it's proposed at \$30 each (See E-Mail)
- 2. E-Mail from Mary Roseberry-Brown RE: Council vote on Env. Trust Fund lottery money (See E-Mail)
- 3. E-Mail from Todd Paddock RE: Writing to ask that you vote not to express support for Amendment 4 (See E-Mail)
- 4. Letter from Lynn Darling RE: Read in the Journal Star the Fair Board is wanting to dip into the State Lottery Funds to support the "old" state fair This is against the directions the citizens asked the lottery to be used for (See Letter)

daadd062804/tjg

OFI #151 am

June 25, 2004

Lincoln City Council Members 555 South 10<sup>th</sup> Street Lincoln, NE 68508



Dear Council Members,

It has come to our attention that Danny Walker of the South Salt Creek Neighborhood Association has again brought concerns to your attention about the appearance of the maintenance transfer station at 6<sup>th</sup> and G. We are writing to update you about the actions taken by DLA since Mr. Walker's concerns were first brought to you in May:

- 1. We have requested the advice of the Health Department and Harry Heafer, Environmental Health Educator for Keep Lincoln & Lancaster County Beautiful. Mr. Heafer has given us recommendations on steps to take to alleviate concerns and has provided policy guidance on our use of the site.
- 2. Several weeks ago, DLA maintenance crew did a thorough cleaning of the area and have been reminded to ensure that the lid of the dumpster remains closed at all times.
- 3. We have increased Midwest Refuse's dumpster pick up to 7 days a week at DLA's expense (it was previously four times a week).
- 4. Maintenance staff check the area on a regular basis and are also doing frequent mowing and weeding of the area.

Attached is a recent photograph of the area. DLA is most appreciative of the city's willingness to allow us to use this facility as a transfer station. We also value our relations with neighborhoods adjacent to downtown and are committed to being good neighbors. A by-product of downtown's increased development activity is a significant increase in the volume of trash collected daily by our maintenance crew.

We welcome any additional suggestions you may have on this situation and pledge our support in working through the concerns.

Sincerely,

Polly McMullen, President Downtown Lincoln Association

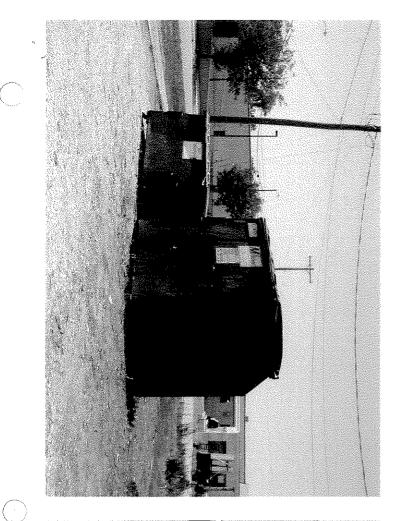
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CC: Mayor Seng

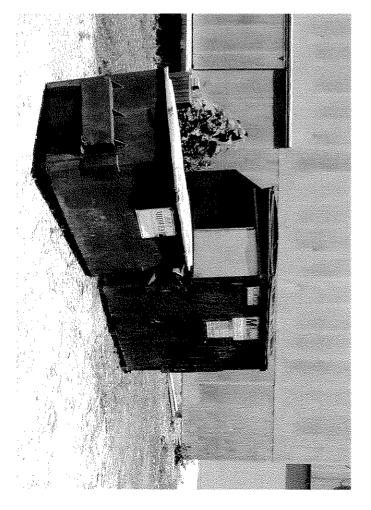
Danny Walker

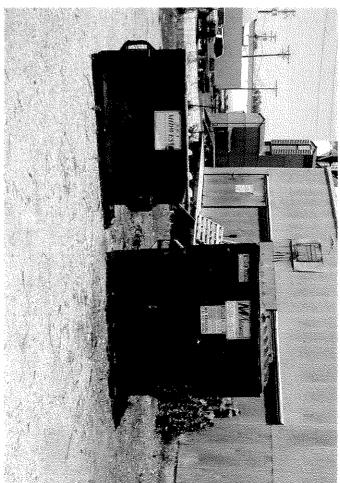
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1200 N Street, Suite 101 Lincoln, NE 68508 (402) 434-6900 FAX (402) 434-6907 www.downtownlincoln.org











Law Department
Dana W. Roper, City Attorney
575 South 10th Street
Suite 4201
Lincoln, Nebraska 68508

402-441-7281 Civil fax: 402-441-8812 Pros. fax: 402-441-8813 Ernest R. (Rick) Peo III, Chief Assistant John C. McQuinn II, Chief Prosecutor
Richard C. Anderson, Police Legal Advisor
Civil Division Prosecution Division

James D. Faimon Steven J. Huggenberger Joel D. Pedersen Connor L. Reuter Margaret M. Blatchford Tonya L. Skinner Joe J. Rupp Prosecution Division Patrick C. Campbell Christine A. Loseke Rob E. Caples Marcee A Brownlee Jessica Kerkhofs



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

June 25, 2004

Danny Walker 427 E Street Lincoln, NE 68508

Dear Mr. Walker:

I am in receipt of your letter dated June 22, 2004. I have reviewed the tape of the June 21st Council meeting regarding the Beutler contract which is found at the 2:15:29 mark of the tape.

I find nothing in that exchange that would be any violation of the Nebraska Public Meeting Statutes, Neb. Rev. Stat. § 84-1408 et seq.

It is my opinion that whatever information concerning this contract that you believe should be made part of the record may be done at the open microphone during any subsequent Council meeting. I would also note, under Neb. Rev. Stat. § 84-1414(3), any citizen of this state may commence a suit in the district court for requiring compliance with the public meetings. I should also point out that, under the statute, it is the attorney general and the county attorney of the county in which the public body ordinarily meets that are charged with enforcing the provisions of the public meeting statutes.

If you disagree with my opinion you may wish to send a copy to those offices.

Sincerely yours,

Dana W. Roper

City Attorney

DWT/tb

cc:

City Clerk City Council JUN 2 8 2004

AECEIVEL JUN 28 2004 LITY COUNCIL OFFICE



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov

To: General Council <council@lincoln.ne.gov>

cc:

Subject: InterLinc: Council Feedback

06/25/2004 09:41 AM

InterLinc: City Council Feedback for

General Council

Name:

Mary Wit

Address:

8501 S 176th St

City:

Bennet, NE

Phone:

402-782-8948

Fax:

Email:

lsdacu@yahoo.com

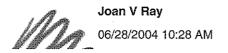
Comment or Question:

I am against the proposed tax on workers who come into the city. I believe it is proposed at \$30 each. At one time it was talked about charging those in the county the wheel tax. I would gladly trade the gas tax that I pay each month for a year's worth of wheel tax. Do those who think we get by without paying realize just what we do pay to drive to Lincoln to work each week or month? I think not. If you want ideas on how to get funds, go after Fortenberry and his campaign for the funds spent to entertain the Vice President. Who benefited from that visit, certainly not the average Lincoln or Lancaster County citizen. Thank you for listening and realizing that sometimes we just get taxed to death. And by the way, we do not have any tax breaks on our real estate taxes either.

Mary Wit

8501 S 17th St Bennet, NE 68317





To: Mary Roseberry-Brown <mrbrown@lps.org>

cc: council@ci.lincoln.ne.us

Subject: Re: Council vote on Env. Trust Fund lottery money

Dear Ms. Roseberry-Brown: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

To: council@ci.lincoln.ne.us

Joan V. Ray

City Council Office 555 South 10th Street Lincoln, NE - 68508

Phone: 402-441-6866 Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

Mary Roseberry-Brown <mrbrown@lps.org>



Mary Roseberry-Brown <mrbrown@lps.org>

00.

06/28/2004 10:30 AM

Subject: Council vote on Env. Trust Fund lottery money

Dear Council Member:

I urge you to vote no on the proposal regarding a City Council vote of support for Amendment 4. This amendment would provide that a portion of money be taken from the Environmental Trust Fund's lottery money and reallocated for the State Fair.

Under this proposed amendment, there is no guarantee that the legislature will not continue to raid the Environmental Trust Fund for reallocation elsewhere as they have in the past. The amendment does lock in the percent for the Env. Trust Fund at 44.5% of the lottery money (down from its current 49%), but the legislature could still continue to take money out of the Env. Trust Fund as they have in the past.

The mostly 1 and 2 year Environmental Trust Fund Grants are well suited to lottery money because of the unpredictability of lottery money amounts. However, the State Fair should be funded with its own separate predictable fund.

There would would be 1 million dollars less per year for the Env. Trust Fund under this amendment than there are currently. To take money from this fund would mean stealing from long lasting environmental protection for our future.

Thank you.

Mary Roseberry-Brown

DECENTED

JUN 28 2004

OTTY COUNCIL OFFICE



"Todd Paddock" <twpaddock@earthlink .net> To: <council@ci.lincoln.ne.us>

cc:

Subject: Amendment 4

06/28/2004 10:44 AM

Dear City Council Member:

I have attached a letter and supporting document, urging you not to vote to support Amendment 4.

Sincerely,

Todd Paddock





435-6655 Lancaster county grants.doi Amendment 4.doc



#### Partial List of Environmental Trust Grants in Lancaster County, 1994-2004

Audubon Nebraska Spring Creek Prairie Project

Audubon Nebraska Spring Creek Prairie Visitors Center

Bicentennial Estates Neighborhood Association Neighborhood Environmental Improvements

Cortland Business Association Recyclable Solid Waste Trailer

Crete Public Schools Environmental Research with Community Benefits

Crete, City of Recycling Center Expansion

Food Bank of Lincoln The Produce Recovery Program

Friends of Wilderness Park In Defense of Wilderness Park, Lincoln, NE

Hallam Village Board of Trustees Hallam Recycle Project

Hickman, City of Surface Water Quality Improvements

Lincoln Center Kiwanis Capitol Beach Saline Wetland Nature Center

Lincoln Center Kiwanis Native Wildflower Seeding

Lincoln Chamber of Commerce WasteCap of Lincoln

Lincoln Children's Museum Make Green Buildings/Understanding Environmental Impacts

Lincoln Sailing Club Shoreline Preservation at Branched Oak Lake

Lincoln (City) Eastern Saline Wetlands Project

Lincoln (City) Holmes Lake Restoration Project

Lincoln (City) Pioneers Park Prairie Project

Lincoln (City) Wilderness South Project

Lincoln (City) Pioneer Park Pond Improvements

Lincoln (City) Sediment & Erosion Control Program for Home Builders

Lincoln-Lancaster County Pollution Prevention Through Green Business Development

Lincoln-Lancaster County Safe Water Tomorrow Through Pollution Prevention Today

Lincoln-Lancaster County Health Department Wellhead Protection

Lower Platte South NRD Holmes Lake Subwatershed Implementation Project

Lower Platte South NRD Lincoln Saline Wetland Nature Center

Lower Platte South NRD Restoration and Protection of Eastern Nebraska Saline Wetlands

Lower Platte South NRD Village of Eagle Community Water System Protection Area

Lower Platte South NRD Whitehead Oil Company Saline Wetlands

Lower Platte South NRD Wildwood Lake Water Quality Improvement Project

Nebraska Game and Parks Commission Branched Oak Reservoir Fisheries Restoration

Nebraska Game and Parks Commission Branched Oak Reservoir Shoreline Erosion

Control

Nebraska Game and Parks Commission Branched Oak Reservoir Shoreline/Bank Stabilization

Nebraska Game and Parks Commission Olive Creek Reservoir Aquatic Habitat Restoration

Nebraska Game and Parks Commission Wagon Train Reservoir Aquatic Habitat

Nebraska Game and Parks Commission Yankee Hill Reservoir Aquatic Habitat Restoration

Nebraska Wesleyan University Campus Recycling Program



University of Nebraska - Lincoln Festival of Color

University of Nebraska - Lincoln Propagation of Threatened Native Nebraska Plants University of Nebraska - Lincoln Reconstruction of Nine-Mile Prairie Perimeter Fence University of Nebraska - Lincoln University of Nebraska Environmental Resources

Center

Wachiska Audubon Society Prairie Restoration and Accquisition in SE Nebraska Wyuka Cemetery Environmental Wetland Project Wyuka Cemetery Stream Bioengineering Study

#### Total

\* Estimated-project underway.

\$650,000 \$500,000 \$84,500 \$10,180 \$15,000 \$8,150 \$10,425 \$20,000 \$10,000 \$76,500 \$33,500 \$29,000 \$29,400 \$150,000 \$4,400 \$750,000 \$750,000 \$177,000 \$500,000 \$103,000 \$8,250 \$182,000 \$48,435 \$64,430 \$250,000 \$172,769 \$177,000 \$68,000 \$285,000\* \$323,750 \$10,000 \$48,850 \$13,700 \$150,000 \$15,000 \$40,000 \$4,150 \$315,000 \$5,500 \$70,350 \$204,000 \$160,000 \$15,000 \$20,000

Dear City Council: June 2004

I am writing to ask that you vote not to express support for Amendment 4. I apologize for doing at this late date; I only heard of the proposal this weekend. Amendment 4 will be on the November General Election ballot in Nebraska and dedicates a portion of state lottery proceeds to the State Fair. I love our State Fair and want it to continue. But financial support of the fair should not come at the expense of the Nebraska Environmental Trust. Too many citizens of Lincoln and Lancaster County benefit from the Trust.

I am a very strong supporter of the Nebraska Environmental Trust Fund. I feel so strongly, in fact, that I have been an active member of the group Save Our Trust, a grassroots group that spontaneously formed to support and protect the Trust in the wake of the severe cuts made to it in 2001.

The Fund is supported by state lottery revenues, not taxes. It provides competitive grants that act as seed-money for projects throughout the state. These projects help to restore lakes, purchase land for natural areas and parks, allow farmers to create protective strips along streams, aid towns in creating recycling centers, protect critical water supplies, and do many other things as well. And grants from the fund are used to leverage additional money from business, foundations, and local and federal government. This brings more money into Nebraska. And a very large number of these grants have been made in Lincoln and Lancaster County. I have attached a partial list of such grants over the past decade. While this list totals to more than \$5 million, the Trust informs me that the actual total of all grants in Lancaster County over the past decade is more than \$7 million.

The Environmental Trust Fund is one of the largest state sources of money for rural development, across all of Nebraska. It touches all Nebraskans one way or the other. That is why the Fund is supported by farmers, fisherman, hunters, conservation groups, and many others. One of the most exciting parts of working with the group Save Our Trust is to find myself working in common with people and organizations who have such far-ranging goals but who all agree that the Trust is critical to the future of Nebraska. It is seldom I have found such an alliance.

The Environmental Trust Fund has already suffered almost \$5 million in cuts in the past several years, and would suffer another \$2 million cut if Amendment 4 is passed. This cut would be permanent; even if the State Fair should end, the money will <u>not</u> be returned to the Trust. It will instead go to the General Fund. Finally, there is nothing in Amendment 4 that protects the Trust from future, additional cuts.

The Trust should not be used to provide financial aid to the State Fair. It does not make sense to cripple an effective, efficient program such as the Trust, a program that is so important to the people of Lincoln and Lancaster County, as well as the rest of Nebraska.

Sincerely,

Todd Paddock 1508 Irving St.



#### Lynn Darling

From:

"Lynn Darling" <waterLynn@msn.com>

To:

aynyan@men.com>

Sent:

Sunday, June 27, 2004 8:59 PM

Subject:

me

RECEIVED

JUN 28 2004

GTTY COUNCIL OFFICE

June 29, 2004

To the Nebraska State Fair Board and State Legislator General Affairs Committee,

Lincoln City Cyrmid,

I read in the Journal Star the Fair Board is wanting to dip into the State Lottery Funds to support the "old" state fair. This is against the directions the citizens asked the lottery to be used for. This fund is NOT a kitty for the state to use for any thing it does not have money for. All the while you deny us a casino that would do just that, be your kitty. I find it embarrassing to have a fair board with such an unimaginative mind set.

You all need to get out of this overly conservative state to experience options other states are doing successfully. Go to Europe experience their creativity, their facilities that are used more than 7/10 days out of the year. Take a state-wide poll of what the citizens want/need. It needs to be for ALL of the state not just Lincoln.

Try out a nation wide educational center focusing on future needs and directions we need to take to stay a viable state--water land sue--land conservation--alternative cropping--alterative energies--climate changing information--alternative buildings totally self sustaining

--different ways for city planning etc... all with demonstration, interactive, problem solving centers. Make it a world wide contact center for the best in each category. THINK CREATIVELY!!

WE are DYING! Lincoln and Nebraska are dead ends when it comes to creativity, except Omaha. LOOK at what all they are doing for and with their citizens. There is something going on all year long week in week out. They don't need a state fair. THE FAIR BELONGS IN GRAND ISLAND.

IF the "old" state fair is your only conception then put some monies in the Husker Harvest Days in Grand Island where it belongs. There are not enough farmers left around here. Corportitization of farming is only a part of the problem. Our State Fair Board can take 95% of the credit for the death of the "old" state fair.

Sincerely,

Lynn Darling

Lynn Darling 26015.W.23 Luncoh NE 68522

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